(11)

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. 03-95

In the Supreme Court of the United States

PENNSYLVANIA STATE POLICE,
Petitioner

v.

NANCY DREW SUDERS,
Respondent

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

JOINT APPENDIX

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Petition for certiorari filed July 14, 2003
Petition for certiorari granted December 1, 2003

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DECISION UNDER REVIEW

Note: The decision of the Court of Appeals is reprinted in the appendix to the petition for certiorari at 1a.

U.S. District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:00-cv-01655-SHR

Suders v. Easton, et al
Assigned to : Judge Sylvia H. Rambo
Referred to: Date Filed: 09/18/00
Demand: $0 Jury Demand: Plaintiff
Lead Docket: None Nature of Suit: 440 Civil Rights:
Related Cases: None Other
Case in other court: None Jurisdiction: Federal
Question
Cause 42:2000 Job Discrimination (Sex)

09/18/2000 1 COMPLAINT-N/C to counsel. Jury Trial Demand. Receipt #: 132187 Amt: 150.00 (related to 1:00-CV-670) (pm) Modified on 09/19/2000 (Entered: 09/19/2000)

* * * * *

11/17/2000 6 ANSWER by defendants to pltf's complaint and c of s. (jc)(Entered: 11/20/2000)

* * * * *

05/31/2001 14 MOTION - by defendants for summary judgment Cert. of non-conc. (c/s) (am) (Entered: 05/31/2001)

05/31/2001 15 STATEMENT OF FACTS - by defendants in support of motion for summary judgment [14-1] (c/s) (am) (Entered: 05/31/2001)

05/31/2001 16 APPENDIX - filed by defendants in support of its motion for summary judgment [14-1] (c/s) (am) (Entered: 05/31/2001)

05/31/2001 17 BRIEF - by defendants IN SUPPORT of motion for summary judgment [14-1] (c/s) (am) (Entered: 05/31/2001)

* * * * *

06/25/2001 20 BRIEF by pltf Nancy Drew Suders IN OPPOSITION to motion for summary judgment [14-1]; reply brief due 7/9/01; with c/s and propo. (sc) (Entered: 06/26/2001)

06/25/2001 21 COUNTERSTATEMENT OF DISPUTED MATERIAL FACTS by pltf Nancy Drew Suders [15-1]; with c/s. (sc)(Entered: 06/26/2001)

07/12/2001 22 REPLY BRIEF by defendants in support of motion for summary judgment and c of s. [14-1] (jc) (Entered:07/13/2001)

08/16/2001 23 MEMORANDUM AND ORDER: by Judge Sylvia H. Rambo: IT IS HEREBY ORDERED THAT: 1. Defts' motion for summary judgment on all counts of plf.'s complt. it is granted; (2) The clerk of crt. shall enter jgm in favor of defts. and against plf. and close the case. [14-1](cc: all counsel, Crt. & Security) (am) (Entered: 08/16/2001)

08/16/2001 24 JUDGMENT: Entered by the deputy clerk; IT IS ORDERED AND ADJUDGED that SJ be and is hereby entered in favor of the defts., Eric D. Eason, William D. Baker, Eric B. Prendergast, Virginia Smith and The Pennsylvania State Police and against the plf., Nancy Drew Suders. Case terminated (cc: all counsel, Crt. & Security) (am) (Entered: 08/16/2001)

09/10/2001 25 NOTICE OF APPEAL by pltf Nancy Drew Suders from District Court order & jgm filed 8/16/01 [23-1] (Filing fee paid, TPO mailed, cert copies of noa, order & jgm being appealed, & docket entries w/ info/ack ltr., [24-2] to USCA. (cc: cnsl, Ct.) Receipt No. & Amt: 111 134771 $105.00 (sc) (Entered: 09/12/2001)

* * * * *

05/12/2003 30 JUDGMENT of USCA (certifies copy) - IT IS NOW HERE AND ORDERED AND ADJUDGED by this Court that the Order of the said District Court entered on 8/16/01, be and the same is, hereby REVERSED AND REMANDED for a disposition on the merits of pltf's clms pursuant to Title VII of the Civil Rights Act of 1964, 42 USC 2000e against the PA State Police. [25] Notice of Appeal filed by Nancy Drew Suders. (sc) (Entered: 05/13/2003)

05/13/2003 31 NOTICE from court re. the schd'ng of a cmc for 6/23/03 @ 9:15 am; this conference is by phone and the call is to be initiated by the pltf. (ma,) (Entered: 05/13/2003)

06/03/2003 32 MOTION to Cancel Scheduling Conference and Stay Proceedings filed by dfts Baker, Easton, Smith Elliott, Pennsylvania State Police & Prendergast; with c/s. (Attachments: #1 Cert. of Conc. #2 Proposed Order) (sc) (Entered: 06/04/2003)

06/04/2003 33 ORDER granting 32 Motion to Stay; Sched conf of 6/23/03 is canceled Signed by Judge Sylvia H. Rambo on 6/04/03 (ma,) (Entered: 06/04/2003)

GENERAL DOCKET
US Court of Appeals for the Third Circuit

Court of Appeals Docket # : 01-3512
Filed:9/18/01
Nsuit: 3440 Civil Rights: Other
Suders v. Easton, et al
Appeal from: U.S. District Court for the Middle District of Pennsylvania

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Lower court information:

District: 0314-1 : 00-cv-01655
Trial Judge: Sylvia H. Rambo, District Judge
Date filed: 9/18/00
Date order/judgment: 8/16/01
Date NOA filed: 9/10/01

01-3512 Suders v. Easton, et al

9/18/01 CIVIL CASE DOCKETED. Notice filed by Nancy Drew Suders. (tyw)

* * * * *

4/11/02 ARGUED Thursday, April 11, 2002 Panel: McKee, Fuentes Circuit Judges and Pogue, U.S. Court of International trade. (eh)

4/16/03 PUBLISHED PRECEDENTIAL REPORTED OPINION (McKee, Fuentes, Authoring Judge, Circuit Judges and, *Pogue, Judge of International Trade), filed. *Honorable Donald C. Pogue, United States Court of International sitting by designation. (tyw)

4/16/03 JUDGMENT the order of the District Court entered on August 16, 2001 is reversed and remanded for a disposition on the merits of plaintiff's claims pursuant to Title VII of the Civil Rights Act of 1964, 42

U.S.C. section 2000e, ZZ_et ZZ_seq., against the Pennsylvania State Police, filed. (tyw)

5/8/03 MANDATE ISSUED, filed. (cmd)

5/8/03 RECORD released. (cmd)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS	:	**CIVIL ACTION LAW**
	:	
Plaintiff,	:	
	:	**NO. 1-CV-00-1655**
v.	:	
ERIC D. EASTON,	:	
WILLIAM D. BAKER,	:	
ERIC B. PRENDERGAST	:	
VIRGINIA SMITH-	:	
ELLIOTT, AND THE	:	
PENNSYLVANIA STATE	:	
POLICE,	:	**JURY TRIAL DEMANDED**
	:	
Defendants	:	

COMPLAINT

INTRODUCTORY STATEMENT

1.) This is a civil rights complaint brought to redress grievances for sexual harassment and retaliation where plaintiff was forced to endure an insulting, humiliating work environment, and for being forced to suffer a termination of employment because she would not yield to sexual suggestions, innuendos and solicitatious behavior. Plaintiff also suffered discrimination because of her age and political affiliation.

JURISDICTION AND VENUE

2.) This Court has jurisdiction to hear these claims under 28 U.S.C. § 1331 and 28 U.S.C. § 1343 (a)(3) and

(4). Jurisdiction is also conferred under 42 U.S.C. 2000 et seq. (Title VII) as a remedial statute.

3.) This Court's supplemental jurisdiction is invoked under 28 U.S.C. § 1367 because plaintiff also brings a supplemental state claim under the Pennsylvania Human Relations Act.

4.) Plaintiff additionally claims redress under the provisions of the Age Discrimination in Employment Act of 1967.

5.) A jury trial is demanded.

6.) Punitive damages are requested.

7.) Attorney's fees are demanded.

8.) Venue is properly in the Middle District because all parties, witnesses, events, and other facts are common to Fulton County which is in the Middle District.

OPERATIVE FACTS

9.) Plaintiff began working for the Pennsylvania State Police (PSP) on or about March 21, 1998.

10.) Plaintiff was subjected to insulting, harassing, solicitatious sexual remarks and embarrassing, humiliating, sexually suggestive actions by the defendants more fully described as follows:

a.) Eric Easton made suggestive comments about panty hose.

B.) Apparently emulating TV wrestling, which he worships, Cpl Baker would stand up, cross his hands in an X motion in front of his body, then take his genitals in

his hands and scream "suck it". He did this on many occasions from when plaintiff was hired until she was forced to resign in August 1998.

C.) Baker had a picture of a wrestler on his wall making the same motion.

D.) In early April 1998, Sgt. Easton was talking about his wife, commenting how she had little breasts.

E.) During plaintiff's performance evaluation in May 1998, Sgt. Easton began talking about people having sex with animals.

F.) In June 1998 Cpl. Baker commented that an African American PSP trooper married a white woman because she "had an ass like a Black woman".

G.) PCO Strait asked Cpl. Baker if he could rub the hair on his legs.

H.) Cpl. Baker, reciprocated by rubbing Strait's back and saying romantic things. Both Baker and Strait thought this display was humorous. Plaintiff was offended.

I.) Prendergast regularly harassed plaintiff telling her he was "watching" her and that "we'll" see that she was the last political appointee who had a job there at the substation.

J.) Baker than said his wife was getting her nipple pierced and then that he was getting his penis pierced.

K.) Easton and Cpl Prendergast had a conversation in plaintiff's presence, knowing and intending that plaintiff hear - saying that if one had a daughter it would be desirous to teach her how to give a "blow job" and after

Prendergast laughed, Easton exclaimed he was serious, he would teach his daughter to "give a blow job". Plaintiff was extremely upset over being exposed to this terrible colloquy.

L.) During plaintiff's job performance evaluation by Sgt. Easton, in July 1998, she was told that she was not going to receive a good review. Comments about sex with animals was repeated by Easton for some strange reason unknown to plaintiff, and plaintiff was told that PSP management was aware she was frightened and afraid of losing her job.

11.) On or about August 1998 the plaintiff called the PSP affirmative action officer Major Virginia Smith Elliott.

12.) Elliott told plaintiff to get a form to fill out but refused to help her further.

13.) Plaintiff was also harassed and ridiculed by Easton and Baker over her age:

A.) Easton commented sarcastically to plaintiff on one occasion, in reference to her age "its awful getting old isn't it" as a way to put plaintiff down in commenting on her job performance.

B.) Easton told a friend of plaintiff's that a 25 year old fresh out of college could catch on faster than plaintiff could.

C.) Baker commented several times that he should call plaintiff "mamma" because of her age.

D.) Easton called the Republican County Chairman and requested a meeting, telling the chairman that he was sending plaintiff to Bedford County, Easton had (meaning by the Governor's office), told plaintiff that she had political influence, (meaning through the Governor's office) and that he wanted her to help get his son a job. Plaintiff did not respond to Easton, and believes, on information and belief, that he retaliated against her for not helping him.

E.) When Baker asked plaintiff how long she had been married, and she replied 38 years, he taunted her in response "Than I can call you mom"

F.) Baker at times, would refer to plaintiff as "mamma" when giving directions.

14.) Plaintiff at all times suffered from defendants' misconduct, and their harassing, discriminatory behavior, and, because they knew she was not receptive to their sexual suggestions and insults, defendants were increasingly more suggestive and insulting.

15.) When plaintiff refused to assist Easton with a request to help him place his son (Easton believed plaintiff had "political influence", and when plaintiff reacted adversely to defendants' excessive familiarity to other females in the office, the defendants continued their escalating policy of progressively harassing plaintiff more and more.

16.) Plaintiff had taken a computer test, on Easton's orders, for the PSP, that was to be forwarded to PSP Head Quarters.

17.) On or about the end of July 1998 plaintiff was using the ladies room at the substation while at work.

18.) In the ladies room were 2 dressers, a shower, (and a bed). The dressers were unmarked, are no one's personal property, have no signs or notices on them, are, unlocked, and had never been identified to plaintiff by anyone as theirs or anyone else's property.

19.) On the night in question plaintiff noticed a drawer partly ajar to one dresser and looked in.

20.) Out of simple curiosity plaintiff opened the dresser drawer and found it had thong bikinis, bras, and negligee nighties. Plaintiff looked further.

21.) In another drawer was a group of papers containing personal information about plaintiff including the computer test which Easton had ordered plaintiff to take and which was to be forwarded to Head Quarters.

22.) Plaintiff replaced the papers and raised the issue of her test with Easton. As he responded she realized the testing she had to undergo was a ruse and she had been lied to by Easton.

23.) When plaintiff went back to the dresser drawer to check to confirm that Easton and Jody Lancaster, A PCO, who also lied to plaintiff, was involved in the plot against her, she took the papers, which were now in an envelope, and she replaced them with plain paper.

24.) Later she checked the drawer again to see how Easton and Lancaster responded and got powder on her hands which had been placed there, and throughout the ladies room, by the PSP, at Easton's urging.

25.) Easton, and other PSP operatives then began threatening plaintiff with the absurd proposition that she had committed a crime ie. had "tampered with files" by virtue of her having investigated why her personal papers were in an unmarked dresser drawer with a plethora of intimate sexy apparel, near a bed, in a ladies room, in a PSP substation.

26., The defendants repeated this ridiculous threat designed to intimidate plaintiff in their PHRC Answer, replete with an alleged opinion from a district attorney, that they had probable cause to bring criminal charges, but did not do so, ostensibly because of the DA's suggestion to handle it internally.

27). Regardless, when defendants, by and through PSP operatives, on August 20, 1998, threatened plaintiff, she felt she had no choice but to resign, and did so out of fear, and because of the threat of a malicious and vindictive investigation and prosecution by the defendants.

28.). Plaintiff, on August 18, 1998 had formally requested help from the PSP affirmative action officer Virginia Smith Elliot who refused to take her telephone request for an investigation, instead telling her she had to make a formal written request, which is against stated PSP policy, and thus in violation of plaintiff's rights pursuant to 42 U.S.C. § 2000 et seq. (Title VIII).

COUNT I

PLAINTIFF AGAINST ALL DEFENDANTS FOR THE DEPRIVATION OF HER FEDERALLY GUARANTEED RIGHTS TO BE FREE OF SEXUAL HARASSMENT FROM HER SUPERVISORS AND HER EMPLOYER

29.) Paragraph 1 through 30 above are incorporated by reference herein.

30.) The defendants Easton, Baker, and Prendergast were all plaintiff's supervisors and they all subjected plaintiff to a humiliating debilitating work environment.

31.) The defendant Elliot owed plaintiff a duty of care consistent with PSP policy.

32.) The defendant PSP is vicariously liable under the facts of this case to the plaintiff.

WHEREFORE plaintiff demands judgement of the defendants for the deprivation of her federally guaranteed rights under 42 U.S.C. § 2000 et seq. together with fees, costs, attorney's fees and such other relief as the Court may deem appropriate.

COUNT II

PLAINTIFF AGAINST ALL DEFENDANTS UNDER THE PENNSYLVANIA HUMAN RELATIONS ACT (PHRA) AS A SUPPLEMENTAL STATE CLAIM

33.) Paragraphs 1 through 32 above are incorporated herein by reference.

34.) The defendants have violated plaintiff's right to be free of unlawful violations composed of gender based discrimination and harassment pursuant to the PHRC.

35.)Plaintiff has exhausted her administrative remedies, receiving a right to sue letter from the U.S. Department of Justice dated August 21, 2000. Plaintiff received this letter on or about September 2000.

WHEREFORE plaintiff demands judgement of the defendants for the violation of her rights under the PHRC together with fees, costs, attorneys' fees, and such other relief as the Court may deem appropriate.

[Signature omitted in printing]
[Certificate of service omitted in printing]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS : CIVIL ACTION LAW
:
Plaintiff, :
: NO. 1-CV-00-1655
v. :
ERIC D. EASTON, :
WILLIAM D. BAKER, :
ERIC B. PRENDERGAST :
VIRGINIA SMITH- :
ELLIOTT, AND THE :
PENNSYLVANIA STATE :
POLICE, : JURY TRIAL DEMANDED
:
Defendants :

ANSWER

Defendants, by their attorney, submit the following answer to the complaint.

FIRST DEFENSE

The numbered allegations of the complaint are answered as follows:

This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

1. This numbered paragraph is a statement of jurisdiction to which NO RESPONSE is required. To the extent it is deemed factual, it is DENIED.

2. This numbered paragraph is a statement of supplemental jurisdiction to which NO RESPONSE is required. To the extent it is deemed factual, it is DENIED.

3. This numbered paragraph is a statement of a claim under the Age Discrimination in Employment Act to which NO RESPONSE is required. To the extent it is deemed factual, it is DENIED.

4. This numbered paragraph is a request for jury trial to which NO RESPONSE is required. To the extent it is deemed factual, it is DENIED.

5. This numbered paragraph is a request for punitive damages to which NO RESPONSE is required. To the extent that it is deemed factual, it is DENIED.

6. This numbered paragraph is a request for attorneys fees to which NO RESPONSE is required. To the extent it is deemed factual, it is DENIED.

7. ADMITTED.

8. ADMITTED.

9. DENIED.

A). DENIED as stated.
B). DENIED.
C). DENIED.
D). DENIED.
E). DENIED.
F). DENIED.
G). DENIED.
H). DENIED.
I). DENIED.
J). DENIED.
K). DENIED.

L). DENIED in part; ADMITTED in part. It is DENIED that while discussing plaintiff's performance review, Sergeant Easton began talking about having sex with animals. It is ADMITTED that Sergeant Easton would have informed the plaintiff of her poor performance during her performance review. It is further ADMITTED that Sergeant Easton told plaintiff that he knew she was upset and afraid of losing her job.

10. ADMITTED.

11. ADMITTED in part, DENIED in part. It is ADMITTED that plaintiff inquired about the procedure for filing a complaint and that Major Smith-Elliot advised plaintiff that she would not be available for a several week period in late August to help her fill out the complaint and therefore could not personally process the complaint. It is DENIED that Major Smith-Elliot refused to help plaintiff.

12. DENIED.

A). DENIED as stated. By way of further information, Sergeant Easton often makes comments about himself getting old, however, these comments were never directed at plaintiff or anyone else.

B). ADMITTED. By way of further explanation, Sergeant Easton does recall a meeting he had with Mike Fix on which Mr. Fix inquired how the other PCO's were doing in comparison to plaintiff. In plaintiff's defense, Easton told Fix that plaintiff's progress cannot be compared to the other two as one had previous experience and the other was just out of college.

C). DENIED.

D). AFFIRMED in part; DENIED in part. It is AFFIRMED that Sergeant Easton contacted the Chairman in an attempt to resolve work related problems involving plaintiff and to see if sending her to another station for training would be beneficial for all the parties. It is DENIED that Sergeant Easton asked for plaintiff's help to get his son a job. It is further DENIED that Sergeant Easton retaliated against plaintiff for any reason, including because of the alleged job request.

E). DENIED.

F). DENIED.

13. This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

14. This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

15. ADMITTED. By way of further information, all employees are required to be certified and take an annual test for this purpose.

16. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of this numbered paragraph to be able to admit it; therefore, it is DENIED.

17. ADMITTED, in part; DENIED in part. It is ADMITTED that there were two dressers, a shower, a bed and a commode in the women's bathroom. By way of further information, the barracks used to be housing quarters and there are dressers in the women's bathroom that are used by the female employees to keep their personal possessions. It is DENIED that the drawers were not identified to plaintiff as belonging to other employees. By way of further information, when plaintiff was hired, Jody Lancaster assigned plaintiff two drawers in one of the dressers and gave the other two drawers in the same dresser to Stacy Gelvin. At that time, Jody Lancaster pointed out that her private drawers were in the other dresser.

18. DENIED. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of this numbered paragraph to be able to admit it; therefore, it is DENIED.

19. DENIED. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of this numbered paragraph to be able to admit it; therefore, it is DENIED. By way of further information, the female employees used the dresser to keep a change of clothes and other personal possessions.

20. DENIED. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of this numbered paragraph to be able to admit it; therefore, it is DENIED. By way of further information, at the request of Sergeant Easton, another female employee, PCO Jody Lancaster, kept copies of files that plaintiff had completed that needed correction in a plain manila envelope under her personal items in her personal dresser drawer in the locker room. PCO Lancaster kept the papers there because she had no drawers that locked and believed her personal drawer was the best location. It is specifically DENIED that plaintiff's computer test was in the drawer. By way of further information, PCO Lancaster administered the annual test that all employees were required to take and she kept only the answers to the test in her personal drawer because she believed it was a safe place where no one would find the answers.

21. DENIED. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the first statement in this numbered paragraph; therefore it is DENIED. As for the remainder of the paragraph, it contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

22. DENIED. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of this numbered paragraph to be able to admit it; therefore, it is DENIED. By way of further information, during the last week of July 1998 and the first several weeks of August 1998, Sergeant Easton discovered that his file on the plaintiff had been disturbed. During that same period of time, Jody Lancaster reported to Sergeant Easton that the files of plaintiff's mistakes that she had been keeping in a plain manila envelope under her personal items in her personal dresser drawer in the ladies room were missing.

23. DENIED. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of this numbered paragraph to be able to admit it; therefore, it is DENIED. By way of further information, to discover who was tampering with files, Sergeant Easton dusted a plain envelope with theft detection powder and placed the envelope in Lancaster's personal dresser drawer under numerous other personal items.

24. DENIED as stated. When plaintiff was found trying to scrub off blue theft detection powder which was all over her hands, plaintiff was informed by Sergeant Easton that she was the subject of a criminal investigation and Sergeant Easton read plaintiff her Miranda rights. The plaintiff subsequently admitted being in Lancaster's drawer and removing papers from the envelope in the drawer. Plaintiff then requested an attorney and the interview ended.

25. This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

26. DENIED. It is specifically DENIED that plaintiff

was forced to resign or threatened by the defendants. To the contrary plaintiff resigned voluntarily.

27. ADMITTED in part; DENIED in part. It is ADMITTED that plaintiff contacted Major Virginia Smith-Elliot, Director, Equal Opportunity Employment Office, sometime prior to plaintiff's resignation and plaintiff inquired about the procedure for filing a complaint. It is further ADMITTED that Major Smith-Elliot advised plaintiff that she would not be available for a several week period in late August and therefore she could not personally process plaintiff's complaint. It is DENIED that Major Smith-Elliot refused to process her complaint. After reasonable investigation, Defendants are without information or knowledge to form a belief as to the truth of the remainder of this averment and, therefore, the remainder is DENIED.

28. Defendants hereby incorporate by reference their responses to paragraphs 1-28 above as set forth at length herein.

29. ADMITTED in part; DENIED in part. ADMITTED that defendants Easton, Baker, and Prendergast were all plaintiff's supervisors. DENIED that they subjected plaintiff to any humiliating, debilitating work environment.

30. This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

31. This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

32. Defendants hereby incorporate by reference their responses to paragraphs 1-31 above as set forth at length herein.

33. This numbered paragraph contains conclusions of law to which NO RESPONSE is required. To the extent they are deemed factual, they are DENIED.

34. ADMITTED.

SECOND DEFENSE

The complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

At no time have defendants, either individually or in concert with others, deprived or sought to deprive plaintiff of any rights, privileges or immunities secured to her by the Constitution or laws of the United States.

FOURTH DEFENSE

Defendants Easton, Baker, Smith-Elliot and Prendergast are entitled to qualified immunity from suit.

WHEREFORE, judgment should be entered in favor of defendants.

[Signature omitted in printing]
[Certificate of service omitted in printing]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS : CIVIL ACTION LAW
:
Plaintiff, :
: **NO. 1-CV-00-1655**
v. :
ERIC D. EASTON, :
WILLIAM D. BAKER, :
ERIC B. PRENDERGAST :
VIRGINIA SMITH- :
ELLIOTT, AND THE :
PENNSYLVANIA STATE :
POLICE, : **JURY TRIAL DEMANDED**
:
Defendants :

DEFENDANTS' STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE TO BE TRIED

Defendants, through their counsel and pursuant to Local Rule 56.1, hereby submit that the following facts are material to this action and are not genuinely in dispute:

1. Eric D. Easton was employed by the Pennsyvlania State Police (PSP) as a sergeant and station commander in McConnellsburg from 1996 until 1998. Easton deposition at p. 8-9.

2. Eric Prendergast is employed by the PSP and during the time of the complaint was a corporal at the McConnellsburg barracks. Prendergast deposition at p. 6.

3. William Baker is employed as a patrol corporal by the PSP in the McConnellsburg barracks. Baker

deposition at p. 6-7, 12.

4. Virginia Smith is retired from the PSP but during the time of the complaint, she was the equal employment opportunity officer for the PSP. Smith deposition at at p. 6-7.

5. Nancy Suders began employment as a police communications operator (PCO) on probationary status with the PSP on March 23, 1998. Suders deposition at p. 25-27.

6. Jody Lancaster was a PCO who had been working at the McConnellsburg barracks and on plaintiff's first day, Lancaster explained the working of the communications office to plaintiff, and the other two PCO trainees, Bob Strait and Stacy Gelvin. Suders deposition at p. 40.

* * * * *

8. In June, 1998, Suders attended a two week long PCO training at the police academy. Suders deposition at pp. 40-41.

* * * * *

11. Suders was "humiliated" because her birthday was not on a birthday list that had other employees on it. Suders deposition p. 43-44.

* * * * *

15. Suders believed she was being discriminated against based on her age when Baker allegedly called her "momma." Suders deposition at p. 45.

16. Suders alleges that Easton talked about sex with animals, would wear spandex shorts that allowed her to see his crotch, talked to Prendergast about teaching daughters to give blowjobs and made a comment to PCO Gelvin about a brand of nylons and that these actions and comments by Easton bothered and scared plaintiff. Suders deposition at p. 46-52.

* * * * *

19. Suders alleges that Baker harassed her by repeatedly doing a wrestiling move which she considered vulgar. Suders deposition at p. 53.

20. Suders allegedly told Baker that she does not think Baker should be doing his move. Suders deposition at p. 53-54.

21. Suders alleges that there was a picture of a wrestler making his motion near Baker's desk and that this picture bothered her. Suders deposition at p. 58.

22. Suders never told anyone that she was bothered or offended by the alleged picture. Suders deposition at p. 59.

23. Suders was offended when Baker complained about his back hurting and PCO Bob Strait rubbed Baker's back and legs. Suders interpreted this to mean that the two men were "sweet on each other." Suders deposition at p. 61-62.

24. Suders alleges that Baker said he was going to get his penis pierced and his wife was going to get her nipple pierced. Suders deposition at p. 63.

25. Suders did not inform Baker that she was offended by his comment. Suders deposition at p. 64.

* * * * *

27. Suders stated that other than the above mentioned comments, there were no other sexual comments made by any employees. Suders deposition at p. 66.

28. Suders believed she was harassed by Prendergast because Prendergast would "watch" her, tell her when she was doing something wrong, and would not "let me alone." Suders deposition at pp. 67-71.

29. Suders felt intimidated when Prendergast wore black gloves and would clap his hands. Suders deposition at p. 72.

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32. On August 18, 1998, Suders contacted the affirmative action officer to tell her that she believed she was being discriminated against. Suders deposition at p. 74-75, 93; complaint at ¶ 28; Smith deposition at p. 13.

33. During that conversation, Smith recalls Suders complaining about political affiliation discrimination and age discrimination, but does not recall that Suders mentioned discrimination because she was a woman. Smith deposition at pp. 13-16.

34. Smith told Suders that she needed to file a complaint form so that an investigation could be conducted. Suders deposition at p. 95; Smith deposition at pp. 16-17.

35. Smith did not tell Suders that she would not send her a form, but advised her that there was a form in the AR (administrative regulation) Manuals. Suders deposition at p. 96; Smith deposition at pp. 18-19, 29.

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37. When an accident file was missing and employees asked Suders about it, Suders believed she was being accused of taking the file. Suders deposition at p. 76-77.

38. Suders believed Easton had a reputation for liking young girls because when PCO Gelvin was cold, Easton loaned her his jacket to wear. Suders deposition at p. 79.

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41. Suders referred to an area in McConnellsburg as the "black community" over the police radio. Suders was offended when she was told by several officers that she should not refer to the area as the "black community" because it could be considered a racial remark. Suders deposition at pp. 88-89.

42. One month after starting her position, Suders received a performance evaluation in which most of the categories were marked "satisfactory." Suders deposition at p. 125.

43. At the end of her probationary period, Suders received another performance evaluation in which most of the categories were marked "needs improvement." Suders deposition at pp. 125-126.

44. Suders did her PCO job, and helped people when they called and no one suffered. Suders deposition at p. 138.

45. Suders received a supervisor's notation on July 22, 1998 because she failed to complete an assignment that was given to her on May 12, 1998. Suders deposition at pp. 140-141; Prendergast deposition at p. 21.

46. On July 26, 1998, Suders was counseled

because she put a CLEAN message about a prison escapee in the crime corporal's bin and did not disseminate the information to patrols. Suders deposition at pp. 142-144; Prendergast deposition at p. 21.

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48. Jody Lancaster kept answers to the CLEAN test and copies of some tests in her personal drawer in the ladies' locker room because she believed it was a safe location to place these items where no one could find them. Lancaster declaration at ¶10; Easton deposition at p. 26.

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50. When papers were missing, a file was dusted with theft detection powder and placed back in Jody Lancaster's drawer. Baker deposition at p. 36; Easton deposition at pp. 66-67.

51. On August 20, 1998, plaintiff's last day of work, she went into the women's locker room, went into the same drawer where she had taken papers a few days before, went through more papers and when she returned to the communications room, she had blue all over her hands. Suders deposition at pp. 98-102.

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54. Instead, on August 20, 1998, Suders voluntarily resigned her position at the PSP by handing in a pre-typed letter of resignation win which she wrote in the date. Suders deposition at pp. 104-107.

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58. Suders was aware of the sexual harassment policy, probably received it when she went to the PCO training and then found the policy in AR Manual. Suders deposition at p. 82.

59. Suders filed a complaint with the Pennsylvania Human Relations Commission in September, 1998. Suders deposition at p. 186.

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[Certificate of service omitted in printing]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS : CIVIL ACTION LAW
:
Plaintiff, :
: NO. 1-CV-00-1655
v. :
ERIC D. EASTON, :
WILLIAM D. BAKER, :
ERIC B. PRENDERGAST :
VIRGINIA SMITH- :
ELLIOTT, AND THE :
PENNSYLVANIA STATE :
POLICE, : JURY TRIAL DEMANDED
:
Defendants :

PLAINTIFFS COUNTERSTATEMENT OF DISPUTED MATERIAL FACTS

I.) INTRODUCTORY STATEMENT

Defendants "Statement of Material Facts" is in dispute. Defendants have composed the usual list of facts which tell part of a situation, but not the material part in dispute. Plaintiff has countered paragraph by paragraph by paragraph and added additional material facts which defendants never raised.

1.) Admitted.

2.) Admitted.

3.) Admitted.

4.) Admitted.

5.) Admitted.

6.) Admitted.

* * * * *

8.) Admitted.

* * * * *

11.) Admitted.

* * * * *

15.) Admitted. By way of further response he called her "Mamma" many times and put her down about her age. Suders Dep. pg. 43-45. Easton's comments were constant.

16.) Admitted. Easton remembers the sex with animals comments but says they were part of an incident. Easton Dep. pgs. 53-54.

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19.) Admitted. See also Suders Dep. pgs. 53-63. Baker would repeat this obnoxious behavior frequently. She objected, id pgs. 126-127.

20.) Admitted.

21.) Admitted

22.) Admitted

23.) Admitted

24.) Admitted

25.) Admitted

* * * * *

27.) Admitted

28.) and 29.) Admitted. See also Suders Dep. pgs 66-68, 72-73.

* * * * *

32.) Admitted.

33.) Admitted that this is what Smith-Elliott remembers.

34.) Admitted.

35.) Admitted.

* * * * *

37.) Admitted.

38.) Denied. Suders did testify that Easton had a reputation for liking young girls and she did testify as to the incident with the jacket. She also testified to seeing Easton with Jody Lancaster up against a wall. Suders Dep. 79-81.

* * * * *

41.) Admitted. Suders was correct

42.) Admitted

43.) Admitted. Suders was not wanted at the Barracks. Suders Dep. pg 19-22.

44.) Admitted.

45.) Admitted

46.) Admitted. Denied this was deserved or that Suders was capable.

* * * * *

48.) Admitted. Denied that it was a safe place. She could have locked them in a file cabinet or a desk.

* * * * *

50.) Admitted

51.) Admitted. There was no reason not to be in the drawer. She had found some of her personal papers there, and the drawer was not assigned to any one person.

* * * * *

54.) Admitted

* * * * *

58.) Admitted

59.) Admitted

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[Certificate of service omitted in printing]

DEPOSITION OF: WILLIAM D. BAKER

* * * * *

[page 7]

Very briefly can you tell us where you have been on your duty assignments?

A. I was a patrol trooper at McConnellsburg station. I was promoted in '96. I was stationed at Gettysburg, patrol corporal. I was at Chambersburg station as a patrol corporal and then finally back in McConnellsburg as patrol corporal. I've been there ever since.

* * * * *

[page 12]

Q Now, briefly describe your duties from '97 on as a corporal at McConnellsburg.

A. I'm a patrol corporal.

Q. What does that mean? What's a patrol corporal do?

A. I run the shift when the sergeant isn't there. I'm a direct immediate supervisor to troopers and PCO's.

* * * * *

[page 19]

Q. Are you a fan of TV wrestling or what's called studio wrestling?

A. Yes.

Q. And did you ever have a poster on the wall at the barracks?

A. No, not that I recall.

Q. Do you know if anyone else had a poster out at the barracks?

A. A poster of what?

Q. Professional wrestlers.

A. Not to my recollection, no.

Q. Have you ever owned a poster with professional wrestlers on it?

A. A poster? Yeah, a poster --

A. No.

Q. -- picture.

A. I've had magazines.

Q. Okay. Well, let's -- not magazines. I'm talking about a poster or a picture, you know, something you'd hang on a wall or --

A. No.

Q. -- anything like that.

Did you ever have anyone posted up on your walls? Nothing on your billboard at the barracks?

A. I don't recall that.

Q. Pardon me?

A. I don't recall that.

Q. Have you ever watched any of these

[page 21]

professional wrestlers on TV when they would cross their arms in front of their body and grab their genitals and say, suck it?

A. Yes.

Q. And have you ever done that?

A. No.

Q. You've never done that?

A. Not that I can recall.

* * * * *

[page 22]

Q. Okay. Now, paragraph F says that, "In June of 1998, Corporal Baker commented that an African-American Pennsylvania State Police trooper married a white woman because she," quote, "had an ass like a black woman."

[page 23]

Did you ever make a comment like that?

A. No.

Q. Is there a PCO out there by the name of Strait?

A. Yes, Bob. Bob Strait.

Q. Bob Strait. It says here that, "PCO Strait asked Corporal Baker if he could rub the hair on his legs."

Do you remember anything like that?

A. No.

Q. Okay. You would have remembered that if that occurred?

A. I believe I would have remembered that.

Q. Probably, okay. Paragraph H says, "Corporal Baker reciprocated by rubbing Strait's back and saying romantic things. Both Baker and Strait thought this display was humorous."There's no allegation that it was serious -- "thought this display was humorous. Plaintiff was offended."

Did anything like that ever occur in your recollection?

A. No.

Q. Paragraph -- subparagraph J of paragraph ten alleges that, "Baker said his wife was getting her nipple pierced and then that he was getting his penis pierced."

Did you ever say anything like that?

[page 24]

A. No.

* * * * *

[page 39]

Q. She was unsupervised when you weren't there?

A. No. Another corporal or sergeant would be there.

Q. But you were her supervisor. They were not her supervisor?

A. No, I was one of the supervisors.

Q. Oh. Did she have more than one supervisor?

A. The corporals and Sergeant Easton. The sergeant I do believe is technically in charge of the PCO's. He holds their files. That's the way it is right now.

Q. Okay.

A. That's the way I think it always has been.

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[Reporter's certification omitted in printing]

DEPOSITION OF: ERIC D. EASTON

* * * * *

[page 8]

Q. In what capacity -- by that I mean, what rank and title did you hold with the Pennsylvania State Police?

A. My rank prior to retiring was sergeant.

Q. Can you briefly describe your duties for us?

A. I was -- when I first made sergeant was stationed down in Harrisburg in charge of the criminal history section. I subsequently was transferred to McConnellsburg in charge of the McConnellsburg barracks, and from there transferred to Holidaysburg in charge of supplies and other various duties.

Q Can you give us timewise when you served at McConnellsburg?

[Page 9]

A. I was at McConnellsburg for approximately two years.

Q Can you give us the dates?

A I'm not positive. I believe it would be 1995
or -- into '96 to 1997 into '98.

Q Okay. Roughly between 1995-1998.
Now, at some time in 1998 did you leave
McConnellsburg?

A Yes, I did.

Q Where did you go?

A. Holidaysburg.

Q. Now, do you remember the month that you went to Holidaysburg?

A. No, I don't.

Q. And what were your duties at McConnellsburg?

A. Station commander.

Q. What does a station commander do?

A Oversees the day-to-day operations of the

station.

Q. And who did you report to?

A. To the captain, Captain Holmberg.

Q. What is the region? What is the state police region?

A. It's Troop G.

Q. Troop G.

[page 10]

Now, when you were at McConnellsburg, who was assigned there? Let's begin with state troopers first. Who was assigned there? Strike that. When you were at McConnellsburg, who was assigned -- what was the -- you know in the army they use the term table of organization and equipment.

A. Yes.

Q. So when you were at McConnellsburg, can you tell us who else was employed there?

A. Employed there were I believe four corporals, Corporal Bill Baker, Eric Prendergast, John Sechoka.

Q. Can you spell Mr. Sechoka's name for us,
please?

A. S-e-c-h-o-k-a.

Q. Okay. Go ahead. There were four corporals. We have Baker, Prendergast, Sechoka.

A. And I can't think of the other fourth
corporal, if there was four. Maybe there was only three and we had a fourth spot.

Q. Okay.

A. And roughly twelve, thirteen troopers.

Q. As many of the names as you can remember of those troopers while you were there, please.

A. Sean Flaherty, Ellis Barnett. I remember
them. They were in the crime room. And I'm having a mind

[page 11]

breakdown or something. I can't remember the names of the other ten or eleven.

Q. Okay. Well, we'll try to go back to that.

Now, did you have other personnel that worked there during that period of time?

A. Yes.

Q. Now, what I would like you to do -- for example, you've given us twelve or thirteen troopers and a few names there, you believe four corporals, maybe one of them was a vacancy, and we have three names there. What other positions, you know, like dispatcher, secretaries, receptionist, whatever they might have been?

A. There was one dispatcher, Jodi Lancaster, and there were three other dispatchers hired while I was there, Bob Strait, Nancy Suders and Stacey Gelvin. I don't believe there was any secretaries.

* * * * *

[page 12]

Q. Can you describe those duties for us, please?

A. Yeah. The title I believe was PCO, police communications operator. Answer the phone, greet visitors, take care of a lot of the paperwork and computer issues, print schedules, handle incidents, answer telephones from citizens, dispatch police personnel to scenes, arrange for assistance if needed for those officers, answer the radio, run the computer; both personal, the in-house computer, and the state computer, and anything -- really basically handle anything that happens during a day's activities.

Q. All right. Now, did you have some type of a shift setup?

A. Yes. There were three shifts at the barracks.

Q. Do you have a recollection of who worked what shift or did you rotate shifts periodically?

A. That was rotated.

Q. How often did shifts rotate?

A. It varied. It could rotate almost daily.

Q. Now, you mentioned those corporals up there. What were their duties? Let's begin with Mr. Baker. Now, it's possible naturally that they all had the same duties. If they did, let's get those down. But if they differed or were individually different in some way, please point those differences out.

Let's begin with Mr. Baker.

[page 13]

A. Each corporal had some similar duties as far as running the shift, responding to incidents depending on the severity of the incident, and each corporal had some specialized duties. I believe Mr. Baker was in charge of the cars, for example. Corporal Sechoka I believe at the time was the crime supervisor or acting crime supervisor. Eric Prendergast I believe was in charge of updating the files and various manuals in the barracks. Then each corporal also had specific personnel assigned to them to supervise.

* * * * *

[page 32]

Q Is it fair to say that as a station commander you did not have the choice or last say as to who got hired?

A. True.

Q. And that a person could be hired for the position and placed in the position even against your approval? That's possible, isn't it?

A. Yes.

Q. So although you had input, you did not have control over who might be hired for a position at least as far as the dispatcher position, the PCO position at McConnellsburg was concerned?

A. Yes.

* * * * *

[page 50]

Q. In paragraph ten, let me read the paragraph to you very quickly. "Plaintiff was subjected to insulting, harassing, solicitatious sexual remarks and embarrassing, humiliating, sexually suggestive actions by the defendants more fully described as follows:" Subsection B, "Apparently emulating TV wrestling which he worships, Colonel Baker would stand up" -- "Corporal Baker," I promoted him there, "would stand up, cross his hands in an X motion in front of his body, then take his genitals in his hands and scream, 'suck it.' He did this on many occasions from when plaintiff was hired until she was forced to resign in August 1998." It's your testimony here today that you have no recollection of Mr. Baker ever doing anything like that?

A No. And I'm not a wrestling fan. I -- if it's a professional wrestling move, I wouldn't --

[page 51]

Q Okay.

A. I can't even comment about a professional wrestling move. I don't watch it at all.

Q Okay. Subparagraph C, "Baker had a picture of a wrestler on his wall making the same motion." I don't know if the discussion about the particular motion or the alleged motion has refreshed your recollection, but I assume your testimony would remain the same that you don't have any recollection of him having a picture on the wall where any such behavior was pictured?

A. No, I don't, but it had no interest for me. I remember the GTO picture because I thought -- I liked cars. I thought it was a pretty car. I remember the picture of his child because I had met his child and he was a very good-looking kid.

Q. Okay.

A. I don't remember anything else specifically.

Q. All right, sir. Now, I have some -- there are some very significant and graphic allegations made in paragraph ten. I am going to go through them one by one and ask you questions about them. Subparagraph A of paragraph ten says that,"Eric Easton made suggestive comments about pantyhose." Do you have a recollection of ever doing anything like that?

[page 52]

A. I remember the pantyhose conversation. I did not make any suggestive comments about them.

Q Okay. What do you recollect about that conversation?

A. Stacey Gelvin I think and Nancy were working together. Stacey came in and I just said, you look nice. As I said, I knew Stacey Gelvin from previous contacts through camp cadet and my wife knew her. We were familiar with her. She said, thanks, but I got a run in my stocking, or I don't remember what her words were. I don't think she even showed it to me or anything. And she just said about a run in her stocking. And I said to her because she met -- my wife's name is Beverly. Because she knows Bev, I said, well, Bev buys her stockings at Victoria's Secrets. And I only -- a day or two before we were over in the mall and my wife had bought stockings.

Q. Okay.

A. And she buys this particular brand because they don't run. And so my comment to Stacey Gelvin was, oh, Bev buys some brand of Victoria's Secrets because they don't run. And that was the extent of the conversation.

Q. There was no intention on your part for any suggestive or -- if not suggestive, any -- there was no sexual intent in the comments that you made?

[page 53]

A. My comment was directed solely and totally at Stacey. I don't even remember if I might have said, maybe you should call Bev and see what brand they are. I used my -- I referred to my wife in the comment --

Q. Okay.

A. -- talking about a brand of stockings.

Q. Okay.

A. And I don't know the brand, so I couldn't identify it.

Q. Do you know whether there's any sexual conduct taking place at McConnellsburg barracks between any troopers or personnel, male or female, there?

A. Not that I'm aware of.

Q. Okay. In subparagraph D of paragraph ten it says -- the allegation is, "In early April 1998, Sergeant Easton was talking about his wife, commenting how she had little breasts." Do you have any recollection of any comment like that?

A. No.

Q. All right. And subparagraph E of paragraph ten says, "During Plaintiff's performance evaluation in May 1998, Sergeant Easton began talking about people having sex with animals." Did anything like that come up?

[page 54]

A. I remember discussing it with Ms. Suders once. I don't remember discussing it at a performance evaluation.

Q. Okay. Can you tell me what that was about?

A. Yes. The discussion I remember was -- it took place at the front desk of the communications room. Part of a PCO's duties is to -- when they get a call about an incident, take the information about the incident, the complainant -- name, address, phone number -- and the specifics about the incident. It has to be assigned an incident number on our tracking computer. To be able to assign it a number, you have to know the specific title or

classification that you're giving to the incident. And I was explaining that process to her as a rather lengthy explanation covering all the varieties of incidents. And a lot of times you can't assign the specific incident to it until the trooper goes down and gets more information about the crime and a lot of times you may have to go back in and update or change it. I used several different examples. This was one. I remember one example that I always use is the difference between theft, burglary, trespass, like that. If you go into a building,

[page 55]

if it's a family member, if you're just not welcome there, it's a trespass. If you enter a building and somebody's not there, it could be again trespass or it could be burglary if you have the intent to commit a crime. It could be a theft if it's just a shed. And you have to get into the details of what makes a specific crime that particular crime for classification purpose for the incident to make it a certain particular incident. And I know because we had not too long ago had a case involving a person who was caught in a barn having sex with an animal that towards the end of this discussion I said, for example, a barn, an outbuilding, a shed, because it's not an occupied structure, would not be a burglary. It could be a theft or it could be just a simple trespass, or if somebody was in there -- and we've even had incidents I told her where somebody went into a farmer's barn or shed and had sex with an animal. That's not just trespass. That's actually a certain specific crime with a different classification because that's a violation of a section of the Crimes Code.

Q. Okay. In subparagraph K of paragraph ten, the allegation reads as follows: "Easton," and it has CPT. Let me correct that right now. That would be corporal, CPL; is that correct?

A. Yes.

Q. Okay. "Corporal Prendergast had a conversation

[page 56]

in plaintiff's presence, knowing and intending that plaintiff hear, saying that if one had a daughter it would be desirous to teach her how to give a blow job," in quotes. "And after Prendergast laughed, Easton explained he was serious. He would teach his daughter to," quote, "give a blow job," unquote. Plaintiff was extremely upset over being exposed to this terrible colloquy." Do you have any recollection of that?

A. No. We discussed child abuse cases in the barracks as they came in, as we investigated them. I investigated child abuse cases in Bedford when I was a criminal investigator almost -- I was the one that was assigned a lot of them. We would have I'm sure had discussions about children, sexual abuse, about parents and how parents raise their children. But no, I would not have said anything like that.

Q. Do you have a recollection of any case that was brought to your attention where a parent was giving one of their children instructions on what to do sexually in their behavior? Do you understand that question?

A. Yes, I think so. I certainly have investigated many cases where parents or stepparents being of the ages between twenty-five and fifty had sex with their sons and daughters down to I believe and including the age of

[page 57]

two years old.

Q. Well, my question is more specific and it is if you have a recollection of any case where a parent or an adult with -- an adult would teach a daughter or suggest teaching a daughter how to give oral sex because somehow that's going to help her along in the world. Do you have any recollection of anything like that?

A. I know I've investigated cases where parents -- well, if you have a child who is eight, twelve -- ten, twelve years old and you're having sex with them, there has to

be some teaching there. I can't -- that's a -- the way you're phrasing the question it's hard for me to give an answer. I have investigated cases where -- many, many of them where an older baby-sitter, parent, guardian or somebody had to teach the child how to have sex with them, yes.

Q. All right.

A. Did that answer it?

Q. Yeah, partially it does. But did you ever say that you were serious that that would be a good idea?

A. No.

Q. Okay. Do you have a recollection of having any such discussion or any related discussion with Mr.

[page 58]

Prendergast in Nancy Drew Suders' presence?

A. No. I could easily have been discussing a sexual case with him. I could have said sarcastically to Mr. Prendergast commenting on the depravity of a parent something about their actions. But no, I don't remember ever saying that. But I could have said something about a sexual abuse case in the corporals' office. That's where we would have been talking.

* * * * *

[page 65]

Q. Okay. Did you ever have Nancy Suders take a computer test for the Pennsylvania State Police to be forwarded to Pennsylvania State Police headquarters?

A. Yes.

Q. Okay. Now, the next series of questions -- I'm going to change just a little bit here. The next series of questions have to do with the ladies' dressing room and the barracks, okay? Are you aware at some time that there was talk of charging Nancy Suders with some type of crime?

[page 66]

A. Yes.

Q. Can you describe for us what that's about -- what that was about?

A. Towards the end of her employment, I would say the last month or so, it was very obvious to me that she was not trying at all at work. Repeated questions that I would have to her about what's going on or is there a problem or anything just met with silence. I felt there was no effort being put forth by her to get any better in her job at all. And I noticed -- in my desk in my office in the bottom right-hand file cabinet I kept a variety of records including personnel records. Every corporal and trooper there had a file. And I noticed that they were in disarray on two occasions when I would come back into work the next day, somebody had been in my desk. And at that time, during that short period of time, three to four days, Ms. Lancaster told me that somebody had been through her dresser drawer, rifling through it, that it was out of order. So I got some theft detection powder, is what it's called. What it does, it's invisible, but it reacts to the skin and turns the skin blue. I don't remember exactly the details, but I know I put it on a page of paper that I put the paper inside of a white envelope and put that white envelope inside of a

[page 67]

manila envelope and put it in Jodi Lancaster's drawer underneath all of her personal effects and I let the corporals know that that was in there and to let me know if anything came of it. Then shortly after that, I believe it was that next night, I got a call at home from Corporal Sechoka, I believe it was, who told me that Nancy had been absent -- left to go to the bathroom or left to go somewhere and had been absent from her post and he saw her -- in the crime office there's a small sink and she was scrubbing her hands trying to get a lot of blue stain

off of her hands. And then I came into the barracks.

* * * * *

[page 68]

Q. What happened next?

A. I read her her Miranda rights, advised her of the Miranda rights, and asked her what was going on.

Q. Okay. Well, what crime did you think had been committed at that point?

A. Possibly a theft.

Q. Well, what led you to believe that there had

[page 69]

been a theft?

A. Because I had files out of order, misplaced in my office, and Ms. Lancaster said that somebody had been through her dresser drawer and the items in it.

Q. Well, what did you -- so you Mirandized Nancy and then what occurred?

A. I asked her questions about what had happened that evening, why her hands were blue, where she got it at.

Q. And what did she say?

A. And she refused to answer, said she wanted an attorney.

Q. Okay. And then what did you do?

A. I believe this was about eight or nine o'clock at night and I told her to take the rest of the evening off and that we would discuss whatever else might be happening the next day that she reported into work.

Q. Okay. And what happened next?

A. And she told me she was resigning.

Q. Did she ask you any questions?

A. I don't think so.

Q Okay. What happened next?

A. She left the barracks.

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[Reporter's certification omitted in printing]

DEPOSITION OF: ERIC B. PRENDERGAST

* * * * *

[page 9]

Q. Well, did you reach any conclusions based on your own observations of Nancy Suders about her ability to perform?

A. Yes.

[page 10]

Q. What were they?

A. I felt that she at times was very disorganized, easily overwhelmed when we had -- not critiçal, but when we had a number of incidents going on at the same time, she seemed to have difficulty both trying to handle communications by the telephone and then also handling the troopers out on the road.

Q. Did you discuss those feelings with her?

A. Yes.

Q. And what was her reaction?

A. Hostile to say the least. She didn't -- she usually felt a criticism or where we were trying to address the performance issues was taken by her I guess personally. She felt that it was a personal attack on her instead of that we were trying to show her ways that procedures and actions needed to be taken by her so that none of the troopers out on the road were in danger and then also, like I say, the public also, that we were performing the proper service to the public.

* * * * *

[page 27]

Okay. Did Sergeant Easton ask you to watch Nancy Suders? Maybe watch is not the right way -- word.

A. Yeah.

Q. To observe her or to listen to her or whatever. You know, just tell me what he said or what he --

A. Would have been no different -- my recollection is that it was the same instructions that we were given for the other PCO's was -- especially the new hire PCO's, PCO Gelvin, Strait and Mrs. Suders, was to watch their performance --

Q. Okay.

A. -- engage because Sergeant Easton was the one responsible for doing their evaluations then.

Q There were times when you supervised Nancy?

A. Yes.

Q. And there were times when the other corporals would supervise Nancy?

A. Yes.

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[Reporter's certification omitted in printing]

DEPOSITION OF: VIRGINIA SMITH

* * * * *

[page 6]

Q. Virginia, is it -- are you retired now? Are you still with the Pennsylvania State Police?

A. I have retired.

Q. You have retired. Could you just briefly in your own words give us a description of, let's say, your

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employment experience to include title, rank and where you work and that sort of -- worked and that sort of thing, let's say, the past five or ten years?

A. Well, in 1992 I became the equal employment opportunity officer for the state police.

Q. Okay. And when you retired, what was your rank?

A. Major.

* * * * *

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Q. Now, in the case of Nancy Suders you had made reference earlier to a conversation I believe was the word you used -- I'm not certain -- with Nancy Suders, is that correct?

A. Yes.

Q. Can you tell us what you recollect about that conversation?

A. My recollections are a little vague, but I do recall talking to Miss Suders. I recall basically that her complaint was about being discriminated against. I particularly remember the political affiliation that she said she was being discriminated against because of, and I also believed her age. I do not recall whether or not she had also stated because she was a woman.

Q. Do you have any more information you can share with us about the issue of political affiliation; what she had to say or what your thoughts may have been as you talked with her?

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A. Well, I recall that I believe that she was the first person that I had talked to that had alleged discrimination because of that and so did ask her, you know, what that meant or why she felt she was being discriminated against. And as I recall -- and I don't recall actually whether Miss Suders actually told me this or whether I learned it later -- was because of the fact that -- the political affiliation discrimination was coming into play in that she was chosen because of political connections --

Q. Okay.

A. -- so to speak; that she was not chosen in the same way that some other police communications operators or some other employees may have been.

Q. Okay. How did she say that that connected with the problem she was having?

A. I believe she had stated that the people at the station did not believe that she had fairly gotten the job; that because of the political connection or whatever the word was that she used at that time -- I don't recall -- but because of that she was chosen rather than on merit or because she was qualified to do the job.

Q. And you had indicated that she complained to you that she was being mistreated -- I don't want to put

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words in your mouth, but about age. Can you give us more detail about that?

A. No, I can't really.

Q. Do you remember asking her how old she was?

A. No, I don't, but I would think that I would have because the age discrimination would only come into play if she were over the age of 40.

Q. Do you ever ask people when they call in with complaints for permission to tape conversations?

A. No, I don't.

Q. Do you make notes while you have these conversations going on with people who call in problems?

A. Generally I do.

Q. Do you have any notes that you reviewed for this deposition?

A. No, I don't.

Q. Do you know if there are any notes in any Pennsylvania State Police files about your conversation with Nancy Suders?

A. No, I don't.

Q. Do you remember if Nancy Suders told you that she was suffering harassment of a sexual nature?

A. No, I don't.

Q Do you recollect her talking to you about TV wrestling?

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A. No, I don't.

Q Do you have a recollection of her talking about a -- about misconduct by certain Pennsylvania State Police troopers?

A Not specifically, you know, other than relative to being discriminated against, but I don't know if you mean any other type of misconduct.

Q. Well, did she say anything about a Pennsylvania State Police trooper who would jump up and grab his genitals or say things of a gross nature, offensive nature?

A. I can't say that I specifically recall that she said that.

Q. Okay. Do you have a recollection of giving her any advice?

A. I can't say specifically that I recall the advice I gave

Miss Suders. I can tell you what my general advice would have been.

Q. Okay.

A. I can't say that I specifically recall telling her that.

Q. All right.

A. Well, I guess I do specifically recall telling her that it would be necessary for her to file a complaint with internal affairs; that the allegations that

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she was making was against enlisted members and that for there to be an investigation done, it had to go through internal affairs; that they were the ones who would investigate any types of complaints like that.
Now, as far as the general part sometimes people or civilian personnel do not understand I guess the internal affairs process. And so I would tell them about the fact that there had to be a complaint sheet made out and tell them kind of what they would have to include in the complaint sheet. For instance, if she were saying that she was being discriminated against because of her age, you know, how was that being manifested I guess? If it was because of political affiliation, in what way did she feel that she was being discriminated against because of her political affiliation? And that those types of things should be included in the complaint because when internal affairs went to investigate, they would know what it is that they're looking at or have kind of a place to start as to what the complaint was.

Q. Well, in Paragraph 12 -- I'll read it to you -- on page five of the complaint the plaintiff alleges that you told plaintiff to get a form to fill out but refused to help her further.

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Did she say anything to you about -- do you want to take a quick look at that? It's only about a small, one-sentence

allegation. Paragraph 12.

A. (Witness complies.)

Q. Okay. Now, if I call you like she did -- if someone in the State Police called you and asked for assistance with a problem, is it the general advice you would give to get a form and fill out that form? That's what they have to do?

A. Yes, relative to internal affairs making -- doing an investigation, yes.

Q. Do you ever take information from them over a phone and process a complaint for them?

A. Generally not. I can't --

Q. Well, the reason I ask, did you ever in your career in helping people with employment discrimination problems where have you advised these people to get the form? Where are they supposed to get the form?

A. There are forms generally at the station.
Also, if a person says that they could not find the forms in the AR manual -- our administrative regulations manual -- there's a whole section on internal affairs, and there is a form in there which people basically copied and used.

Q. What do they do with the form? Let's say they get the form or they get a hold of the form

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somewhere. What do they do with it once they get it?

A. The form is submitted to internal affairs.

Q. Is there a mailing address on there? Does it go through channels?

A. I'm sure there is a mailing address -- well, I'm not going to say I'm sure there's a mailing address on the form, but I believe it's been done both ways; that it's been submitted directly to internal affairs and also through channels.

Q. So as the employment discrimination officer you don't have any authority to investigate or review discrimination?

A. Not to investigate, no. I'm not sure what you mean by review.

Q. Well, if -- if a -- I assume that it's -- that you have experienced Pennsylvania State Police history and the efforts to have the Pennsylvania State Police employ black persons, Hispanic persons and females, is that correct?

A. Yes.

Q. As someone who has witnessed that history can you tell us when the Pennsylvania State Police established an employment -- equal employment opportunity office or function; when that first came about?

A. No. I don't recall.

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Q. Was it there as long as you were with the Pennsylvania State Police?

A. I believe so, yes. Under affirmative action, though, instead of equal employment opportunity.

Q. Have you ever known that office to have the power to investigate a female being mistreated or a person of color being mistreated?

A. (No response.)

Q. Power --

A. I would say -- I would say informally. You know, it depends on what the complainant is seeking. If the complainant is seeking -- and, you know, the type of complaint that it is; how in depth of an investigation may have to be done. I mean there can always be informal inquiries made by the equal employment opportunity officer, the affirmative action officer. But at the same time, if it's a discrimination complaint that there are allegations being made against particular people and an investigation needs to be done to find out, you know, whether or not those allegations are true, then it would go through internal affairs.

Q. Do you know whether internal affairs has any female officers investigating allegations of sex

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discrimination against female personnel?

A. I know they have female officers. Whether they're specifically investigating those types of complaints, I don't know.

Q. So if I'm out there in Podunk at a rural -- I mean a lot of our Pennsylvania State Police work is done in rural barracks, isn't that so?

A. Yes.

Q. And if I'm out there somewhere in a rather isolated barracks and I'm a female and I have problems with harassment by Pennsylvania State Police officers, males -- young males -- I fill out a form which goes to internal affairs, and internal affairs investigates that activity?

A. Yes.

Q. And you as the discrimination officer do not investigate that activity?

A. No, I do not.

Q. Have you ever had anyone call you with a complaint and felt strongly enough about it to become involved in investigating on your own -- following up on the comment you made about informal, investigating on your own or getting involved in the investigation process to see where it was going and what was happening with it?

A. Well, like I said generally it would be up

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to the complainant relative to what course they wanted to proceed. If they wanted it handled informally -- I can't think of a real good example now, but just someone who's saying, I think this person is discriminating against me because I'm a woman, but I'm not sure or, you know, something that doesn't seem to be to the complainant a very serious matter, then, you know, there may be something done informally by speaking with the -- the troop commander or someone in that person's chain of command. But, again, like I said if there's going to be an investigation and there are allegations made against people and it's -- and it requires I guess an in-depth investigation where people are going to have to be interviewed and statements taken and witnesses, then, yes, it would be done by internal affairs.

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Do you recollect how troopers -- I think you mentioned a manual -- troopers are -- how they are

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informed about your services; the services that you provide? In other words, what does the State Police say to the average working trooper out there about their rights and their access to the position that you held?

A. Well, again, talking about the administrative regulation manuals, there was a section in there that covered the equal employment opportunity office. There were posters about equal employment opportunity at the stations. I took part as the equal employment opportunity officer in some of the supervisory training, some of the PCO training and talked about the equal employment opportunity office. So that's one of the ways that people were advised of the position.

* * * * *

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Q. Okay. Fair enough. Now, the average member out there would have ready access to your name and to the nature of your duties, and that would be in those regulations and might even be posted elsewhere or be brought up elsewhere?

A. Yes.

Q. And is it fair to assume that --

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(Discussion held off the record.)

BY MR. BAILEY:

Q. Is it fair to assume that you assumed when Nancy Suders called you that, you know, she got your name off of something that was posted somewhere? Maybe someone could have told her of course, but from that -- from the regulations?

A. Yes.

Q. Okay. And do those regulations as you remember them or you recollect them, do they tell people what their rights are?

A. Yes, I believe so. Not only then in the regulations about equal employment opportunity, but being a civilian employee there were also regulations pertaining to civilian employees and what their rights were.

* * * * *

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Q. Did anyone ever say to you, I'm afraid to go looking for a form or I'm afraid if I ask for a form, you know, somebody might do something to me? Never had that experience?

A. I don't recall anyone saying that they were afraid to look for the form. I've had people say that they did not want to submit it through their chain of command. And I've told people that they could send it to me, and I would forward it to internal affairs or that they could send it directly to internal affairs. And if I had talked to them, I would let internal affairs know that such and such a person was submitting a complaint.

* * * * *

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A. To have an investigation done by internal affairs there has to be a written -- I don't know that it's called a request, but an allegation filled out on a form and submitted to internal affairs, yes.

Q. It has to be in written form submitted on that form? Or I suppose somebody could send internal affairs a letter, and they'd act on it or something like that. I don't imagine that they would have to do it on this particular form.

A. Well, even -- even -- and I'm not sure about within the department, but I was going to say if someone from the general public were to send a letter to internal affairs, they would send them a form to fill out to be sent back making -- you know, making the complaint. I believe it was called a complaint verification.

Q You don't take any anonymous complaints?

A. Yeah, they do.

Q. They do. Have you ever taken an anonymous complaint?

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A. Not that I can recall.

Q. Have you ever during your entire tenure as affirmative action employment discrimination officer with the Pennsylvania State Police ever submitted a complaint to any bureau or person within the Pennsylvania State Police on your own or has it always been a situation where, go and fill out a form?

A. As the equal employment opportunity officer I do not recall filling out a complaint sheet for anyone. Like I said I have talked to people about their complaints. I've had complaints sent to me and discussed it with the complainant as to what they had included. And like I said, you know, in trying to give them some guidance on how the complaint should be worded, you know, so that they're showing how they're being discriminated against, have discussed with them -- sometimes even before they've submitted it to me -- how to write up the complaint so that they're kind of covering their bases as to what the allegations are and, like I said, how internal affairs is going to proceed to investigate the complaint and then submitted it to internal affairs.

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BY MS. YERGER:

Q. You talked about the administrative regulations. Where are they located? I'm not sure that you told us that.

A. Okay. Each station -- well, there are two binders of administrative regulations, and they're referred to as AR 1 and 2. And they're at each station. Generally like a station would have a library, and then there's usually a copy like maybe in the sergeant's office, lieutenant's office, captain's office.

Q. And parts of the manual are posted?

A. Not regularly, but there may be. If specific attention -- if they want to draw specific attention to maybe something new that's being issued or that they want to make sure that everyone sees, they will sometimes post it or bring it to the attention of people at a class.

Q. The sexual harassment policy is part of the

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AR manual?

A. Yes.

Q. Is this sexual harassment policy posted?

A. It has been.

Q. In the barracks?

A. Yes.

Q. Do employees sign for the sexual harassment policy; basically sign that they read it?

A. If I recall correctly, during the time that I was there there were some changes made to the sexual harassment policy. Like I said I believe that it went out per capita to each employee, but also that it was supposed to be posted on bulletin boards. And what they do is they have just a check-off list with everyone's name from the station on that list. Then as you read it, you're supposed to check off that you did read that policy.

Q. Okay. I just want to go over the allegation. It says that on -- in the complaint it says on or about August of 1998 Miss Suders called you. Does that sound about right; August of 1998?

A. I really didn't remember the date.

Q. Okay. That's fine. Then the next allegation is that you told Miss Suders to get a form to fill out but refused to help her further.

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Do you agree with that statement?

A. No, I don't. I just -- generally I cannot believe that I would have refused to help Miss Suders. I may very well and probably did tell her about filling out the form. But I don't believe that I refused to help either in discussing what the complaint should be, the allegations or giving assistance in filling out the form or telling her where to get the form.

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[Reporter's certification omitted in printing]

DEPOSITION OF: NANCY DREW SUDERS

* * * * *

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Q. Let's go back to the state police was trying to prevent you from getting hired.

A. Uh-huh.

Q Did you hear anything -- what did you hear that suggested that was the case? Why do you think that?

A. Well, the sheriff told me from the beginning when he found out that I had applied out there, he told me -- he said that -- well, they had a list of names. And on the list was my name of people who had -- apparently had applied or whatever. And he knew before -- well, we didn't know at that point that I would be hired, but my name was on a list. And he saw the list. Jody Lancaster had this list of people who had applied for this job, and he saw my name on the list. And he told me from the beginning -- he said, they don't want you out there. He said, they're -- they don't want you. He said, you know, you shouldn't go out there. That's what he kept telling me. I said, well, I have to -- you know, I applied, and I want a chance.

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That's all I wanted was a chance. And so then -- do you have a question?

Q. No. Keep going, please.

A. So then Mike Fix called me one night, and he said, Nancy, he said, who all did you put down for references. And I gave him the list of references. And -- now I filled out another application besides this, and I took it along with me to the interview. Now, I don't have a copy of that. But on this application it's Brenda Knepper -- she's district justice -- Dwight Harvey, Fulton County District Attorney; Bonnie Keefer -- Bonnie Mellott Keefer, Fulton

County Treasurer. On my -- on the application I gave to the state police I also had Mike Fix -- he's the Fulton County Republican Chairman -- Sue Yeager. She's the aide to Representative Dick Hess. And I had Gary Decker, Fulton County Commissioner. That was on my additional list. Mike called me after the interview, and he asked me -- he says, Nancy, I want a list of all the references. So I ran down the list. None of them had been called. But the Governor's office had told Mike that they had information -- I assume from Easton -- that none of my references were any good. But none of my references

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had ever been called. Mike sent that list to Harrisburg, and they took over from there.

Q. Had you spoken to any of the references to find out for sure?

A. I know everybody. Mike knows everybody. Mike contacted everybody. We knew that they had not been called.

Q. Okay. Let me step back for a second. The sheriff said you shouldn't go out to the police barracks. Did the sheriff -- you worked for the sheriff?

A. Uh-huh.

Q. You did a lot of work for the sheriff?

A. Well, I worked for the sheriff.

Q. But you just said that you were probably in the office more than he is?

A. Probably. The sheriff's out serving papers.

Q. Right. Did the sheriff indicate to you why he didn't want you to go other than the fact that he was losing an employee?

A. No -- definitely. He said everything he heard from the troopers were negative reports. They didn't want me out there, and that's all there was to it.

Q. Okay.

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A. He told me that they knew that -- he said -- he kept telling me -- he said, they don't want you because you're a political appointment. I kept telling him I was not a political appointment. All I did was fill out an application. I never asked anybody to get me that job. I filled out that application. And he said, they're all against you because of politics. I said, that's not fair. Everybody has a right to go to a job and do that job to the best of their ability without being harassed.

* * * * *

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Q. Who was your supervisor?

A. Whichever corporal was on duty at the time. I don't recall who was there, if that's what you're asking.

Q. In general who was your supervisor that you reported to at the barracks?

A. Whoever -- whichever corporal was on duty.

Q. Okay. When did you have PCO training at the academy?

A. In June of '98.

Q And how long did that last?

A. Two weeks.

Q. And that was approximately two months after

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you were hired? Two to three?

A. It was the third month.

Q. Okay. And how long did the training at the academy last?

A. Two weeks.

Q. Okay. Now, you've told us in your complaint that there was a series of different kinds of harassment. When did that harassment start?

A. Approximately a week and a half to two weeks after I was hired.

Q. Okay. And what's -- tell me what the first incident of harassment was.

A. Generally, they -- well, they just started telling me that I didn't do things right.

Q. Who's they?

A. The -- whoever the corporal would be on the station. And I would do whatever he said that I should do. I would listen to whatever he was telling me. And I would try to do it the way he wanted me to do it. And then at the same time Corporal Baker approximately at the same time started doing his wrestling moves.

Q. Okay. So this was --

A. Approximately a week and a half to two weeks after I started.

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Q. Okay.

A. I --

Q. Did you -- were they any employees --

MR. BAILEY: I think she was going to
respond further.

BY MS. YERGER:

Q. Yeah, please. I'm sorry. I cut you off.

A. That was when I was put on my own without any other PCOs or -- around.

Q. So when you first started, you had another PCO working with you?

A. Uh-huh. Yes.

Q. And then you were given the assignment by yourself?

A. Uh-huh. Yes.

Q. And then --

A. Then it started.

Q. Okay. Complaints started that you were doing things incorrectly?

A. Right. The harassment started.

Q. I guess I just want to talk about the harassment in every form; the complaints about you not doing things correctly. You've already told us about Corporal Baker, and we'll get back to that. What other kinds of things were going on

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from the very start or from a week and a half in?

A. Well, they just -- like I said, it didn't matter what I did, I couldn't -- it wasn't done right. I didn't answer the phone like I should. I wasn't talking loud enough on the phone -- on the radio. I was talking too softly. It was just -- for eight hours according to them I just could not do anything right.

Q. Okay. Tell me about the age discrimination.

A. Sergeant Easton would come out to the communications room, and he'd go -- I'd be sitting at the desk and doing my work, and he would go -- come in to get something out of a file or he would go to the copier. And the first thing he would say -- he'd say, it's getting old -- it's awful getting old, isn't it, Nancy. I wouldn't make any response to him.

Q. Anything else?

A. That was just a constant. He would say things like that to me. And they had a birthday list they had posted on the bulletin board. It had everybody's birthday on there except mine. It had my name on there, but they didn't have when my birthday was. And then one day -- it was in May -- Trooper Kagarise, he called me. And he wanted me to get his --

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his birthday list out of his mailbox. It was called a mailbox. Everybody had a mailbox where you got your -- you received your checks and you kept papers in. And I went, and I got it. He held on the phone. And he wanted to know who all had a birthday in the month of June, and

I read that off to him. I checked the list for him. And he made a remark that Trooper -- he was going to bake a birthday cake for everybody whose birthday was in June. But Trooper Culler, he don't want any birthday -- he didn't want a cake. And so I did that for him. I told him who had their birthday in June. And I noticed on his list my name wasn't on his list either. So apparently they had -- everybody had lists of people's birthdays, and my name -- my birthday was not on anyone's list. And that was humiliating. I mean they had this posted on the board where everybody could see, plus they must have handed out copies of it. And it was degrading. And then when Easton went on to talk to Mike Fix, he made a remark that a 25-year-old could catch on faster than I could. It was a terrible feeling to know -- that's all he wanted to talk about was my age; make fun of it.

Q. How else did he make fun of your age?

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A. He basically would just come in there and just say things like that to me. And it wasn't just once. It wasn't offhanded. It was -- it was mean, spiteful. And he'd expect an answer, and I wouldn't answer him.

Q. Did you ever tell him that it bothered you that he was saying that?

A. No. I was afraid of him.

Q. What other kinds of things -- you told us about some age. Were there any other age comments that were made that bothered you?

A. Corporal Baker would call me momma. He asked me one time how long I'd been married, and I told him that I'd been married at that time 38 years. He says, well, I can call you momma then. And I wasn't his mother. And he -- here he was the supervisor. He's making fun of me that I was his mother? And PCO Robert Strait was there too. He was laughing too about it. Then one day I had to take some letter -- before I -- I always had to get all my work done which I did before I went home. And there was

some letters there that no one had put in the mailbox. And I told him that I was going to take them out to the mailbox. And he said, okay, momma. I mean I

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was not his mother.

Q. Okay. What about -- there were some allegations about sexual comments that were made. Can you tell me about those that you recall?

A. Who do you want to talk about?

Q. Everyone. Everything that was said to you that you determined was sexual or sexually harassing.

A. Easton, every time I'd go in his office, it didn't -- it didn't matter why I was going in there. He would bring up this business about people having sex with animals. He would say, you know people have sex with animals. And I wouldn't respond. I wouldn't say anything to him about it. I wouldn't give an answer I guess you'd say. And he would just bring it out -- just out of the clear blue sky. He'd talk about sex with animals. Apparently he had a fetish with bestiality or something. But that's all the man wanted to talk about. And I heard him -- on different occasions he liked to talk about sex. I would try to ignore him, but he would just keep it up. He would come out to that communications desk, and he liked to wear Spandex shorts. And he'd come out to the communications desk, and we had chairs with rollers on. And he would sit down

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on the chair, put his hands behind his head and spread his legs apart. Every time he'd come out to the communications desk, I would get up, get away from him and stand at the desk or on the other side of the desk. It had about a four foot high desk in front. I'd busy myself someplace else, but that's what that man would do.

Q. Why would that offend you?

A. Because you could see his crotch.

Q. Okay. Did you ever tell him that you were bothered --

A. I didn't --

Q. -- by this or any -- any of the comments?

A. I didn't tell him -- I was afraid of him. I-- I didn't tell him that it bothered me he would sit there and do stuff like that. But it did bother me. It embarrassed me. And I didn't know what to do about it to make him stop. He told me how he had friends in Harrisburg; no one could touch him, it was my word against his word, he had enough military time that he could retire now. He told me that before I even got there. I had a meeting with him, and he told me that he wasn't afraid of anyone.

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Q. What was the context of that meeting? Before you started work you met with him?

A. I had to go out there. He wanted to talk about some papers work. I had some papers, something -- I don't even remember what it was, but I filled out something or other. And he told me he had some concerns about me. He never said what kind of concerns. And he said that -- and I said, well, I can do the job. And he said -- he said, no one can touch me. He said, I have friends in Harrisburg, I know the captain and anything you say is going to be my -- your word against mine.

Q. What was the context of a situation like that? Did you -- I guess I'm trying to understand why somebody would say that.

A. I can't explain why the man said that unless it was to intimidate me. And that's what I figured it was. He was trying to intimidate me and keep me -- I don't know what -- under his control or something; let me know that he had friends in Harrisburg and he was -- that I was just somebody who they weren't going to pay any attention to. I imagine that's what it was.

Q. Why --

A. I can't get in his head. You'll have to ask

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him.

Q. Why -- explain to me why -- was there a relationship between the two of you?

A. Absolutely not.

Q. A relationship like a friendship or an acquaintanceship.

A. No. No. I knew who he was. He might have been in our office once before that, but I didn't -- I didn't know him.

Q. Okay. Let's get back to other comments that were made either by him or any of the other defendants or anyone at the barracks.

A. Well, he and Trooper -- or Corporal Prendergast, they were having a conversation about sex. And Easton, he said about -- he said, well -- he said, if someone had a daughter, he said, I think they ought to teach her how to do -- give a blow job.
Prendergast, he starts laughing about something like that. And Easton said, I'm serious. He said, I think you ought to teach her how to do a good blow job. I got such a pain in my chest to think anybody in authority like this would suggest abusing a child like that.

Q. Okay.

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A. I don't know if you -- have you ever listened to a child testify on a stand how they've been abused by their father or brother or uncle? Have you any idea what that does to a child?

MS. YERGER: Should we take a break?

MR. BAILEY: Want to take a break, Nancy?

THE WITNESS: No. I'll be all right.

MR. BAILEY: I know it's difficult. Why don't you just

-- if you need a break, just say so.

BY MS. YERGER:

Q. Just let me know. Other conversations that were made?

A. It's just this constant sex with animals all the time he wanted to talk about. And I was afraid -- every time I went to his office I was afraid because -- and he had a couch there. And he would shut the door. And I would sit there at the end of the couch. Between me and that door was a stamp machine on a stand. I would sit at the end of that lousy couch so that he couldn't get that near me and -- because I was afraid of him. He'd pull his chair over, and he would -- he would just leer at -- just look at me. And he'd start this lousy sex with animal story. It didn't have anything to do with anything.

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But he would come in, and he'd just start this garbage.

Q. Were you afraid that he was going to make sexual advances?

A. I didn't know what he was going to do to me. I guess I was afraid.

Q Did he ever make sexual advances?

A No. I stayed away from him as far as I could. I guess he was trying to -- I don't know -- see my reaction.

Q. Would you consider it flirting?

MR. BAILEY: I object to that. You can respond. You can respond.

THE WITNESS: I don't know. I don't know.

BY MS. YERGER:

Q. I'm just trying to get to the nature of why she's feeling so -- why she's feeling the way she felt with him; an explanation.

A. As to -- I was afraid of the man. The man told me -- he told me not too long after I got there that he would do anything for PCO Jody Lancaster. He said, I'll wash her car if she wants me to. And he says, if anybody does anything to Jody Lancaster, he says, I'll take them out back, shoot them in the head and bury their body where nobody can find

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it. That man told me that. I knew he was dangerous. He told me how he was on a cert team and all he'd have to do was just give the signal. He could be standing there talking to somebody, and he could give the signal and his sniper friend would kill them.

Q. Okay. Other comments?

A. I was sitting there -- it wasn't too long after I got there, and I was still -- because I was still working with another PCO. And it was within the first probably week or two. And PCO Stacy Gelvin, she had a real short dress on. It was a flouncy type dress; flowery in color and scoop neck. And when she sat down at the communications desk, of course it would hike up. And he came -- he came in, and he said to her -- he said -- he said, you mustn't be wearing Victoria Secret nylons, he said, because yours has a run in it. Then she started picking at her leg, you know.

Q. Other comments?

A. Probably that's about all from him.

Q. Okay.

A. Do you want to talk about Baker --

Q. Sure.

A. -- then? Right after I got there --

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probably after I was started being on the desk by myself -- Baker started doing this wrestling move. He would come in. He wanted to talk about wrestling. I wasn't into wrestling. Baker, he gave me the nickname of Nancinator. That was my wrestling name he said. And he gave Stacy Gelvin the name of Momma G. And his wrestling name was The Corporal. And he would talk about wrestling. Then he would do this wrestling move where he would cross his hands, grab hold of his private parts and yell, suck it. The man did this, and he would beat on it. He would beat his hands on his crotch too and yell suck it. He would ask me to do this garbage. I told him he'd never see me do something like that. And then apparently -- and there was also a wrestler that yelled, hell yeah. He would come in there and yell that. And he'd tell me to yell hell yeah, and I would refuse. One -- I told him -- I said, I don't think you should be acting like this. And he said -- this one night I said, I don't think you should act like this. I was so sick of it. It was a daily thing. Well, every shift that I worked with him it was. And he would do this five, ten times a night.

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This one night he had been doing it and doing it. And I said, I don't think you should be doing this. And he said, well, I'll do it for the captain. With that he grabbed the straight back chair, pulled it probably maybe -- maybe five feet from where the communications desk was in the middle of this communications room, jumped up in the chair and he does this lousy move. And, you know, he's grabbing his crotch, he's beating on his crotch and yelling suck it. So I knew I couldn't go to Captain Holmberg because apparently Captain Holmberg liked it too. I mean the man wouldn't stop.

Q. Were you familiar with what he was doing? Did you know it was a wrestling move?

A. He told me it was.

Q. You supplied --

A. I don't watch wrestling.

Q. You supplied a photo with your document --with my document request to you, and I want to show that to you. I don't have -- there you go. Was that photo supplied with your document request?

MR. BAILEY: I think I supplied it.

MS. YERGER: Okay.

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BY MS. YERGER:

Q Have you seen that before, Miss Suders?

A Yes.

Q Is that the move that Corporal Baker would do when you say X motion?

A. That was -- that would be the beginning of his move. His move went on down, and he grabbed his genitals when his hands went down.

Q Okay. So his hands were lower than --

A Yes.

Q Okay. And you said that he would grab his genitals and beat on his genitals?

A Yes. He would pound on it and -- yes.

Q You didn't explain it that way in your complaint.

A. Well -- well, he would grab --

MR. BAILEY: Is that a question?

MS. YERGER: Yes, it is a question.

BY MS. YERGER:

Q. Why didn't you explain it that way in your complaint?

A. It's hard to explain in a complaint --

MR. BAILEY: Nancy, I composed -- I'm her attorney. I composed the -- reviewed these materials and composed the complaint for her. I'm going to object to

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that question. I'm going to let you respond, if you understand it. But a complaint under Federal Rule of Civil Procedure 8 which requires --

MS. YERGER: You don't need to give me some law, Don. Thank you, though.

MR. BAILEY: Pardon me?

MS. YERGER: I don't think you need to give me some law.

MR. BAILEY: Then you don't need to ask questions like that.

MS. YERGER: Okay. I'll withdraw it.

MR. BAILEY: This is difficult as it is. There's sensitivities in doing this kind of work which you know, and the lady's very upset.

MS. YERGER: I can see that, and I understand that. My intention is not to make her upset.

MR. BAILEY: Please respect it. Thank you.

MS. YERGER: I want to understand. That's all.

MR. BAILEY: Thank you.

BY MS. YERGER:

Q. Okay. You've told us that Corporal Baker would do this frequently?

A. Yes.

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Q. And can you give us an idea of how frequently?

A. Probably five to ten times a shift. All he wanted to do was play with his crotch. That's what it amounted to.

Q. When you say taking his genitals in his hands which -- it was part of the complaint -- I -- and I understand that to mean grabbing himself?

A. Yes. When his hands would go down on him. He would spread his legs apart. And when he spread his legs apart, then his hands would be further down than what that picture is.

Q. Okay. Did he do -- did he do that every time as well?

A. That's what he was doing every night -- or every shift.

Q. So he wasn't doing -- just doing the X motion every time, he was also grabbing every time?

A. Well, sure -- yeah. That's what -- I think -- well, I don't know. Maybe he improvised and put his own moves in with it. I don't know. I don't know watch wrestling.

Q. That's was my next question. You're not a wrestling --

A. I don't watch wrestling.

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Q. You've never watched wrestling?

A. A long, long time ago. Maybe 30 years ago or something. I don't watch wrestling.

Q. Did you tell Corporal Baker that you were offended when he was doing this?

A. Yes. And that's when he jumped on the chair.

Q. Did you tell anyone else that you were offended when he did this?

A. On the station?

Q. Yes.

A. No.

Q. You also tell us in your complaint that there was a picture. Is that the picture from the complaint that you were referring to in the complaint?

A. That's a picture that was on the -- above his -- beside his desk.

Q. And just so I get an idea of where on the desk the picture was.

A. Well, it was on the bulletin board beside the desk.

Q. Okay.

A. Right beside it.

Q. It wasn't at a locker?

A. No.

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Q Did you ever point out the picture to anyone and say you didn't like it or you were offended by it?

A. No. It wouldn't have done any good. You already had him moving -- making the move.

Q. And it was that exact lower picture or was it all three of those pictures?

A. He jumped -- he did a lot of jumping around too. But the move he was doing was the bottom move, but he rubbed -- he would rub his rear end and say, I have a nice ass, don't I? I didn't respond to that either. He -- he rubbed himself.

Q. Okay. Maybe you didn't understand.

A. That's not a wrestling move, but he did that too.

Q. Maybe you didn't understand my question. Were all three of those pictures posted? When you say that there was a posted picture at his desk, were all three?

A. Right. Yes.

Q. It was all three of those?

A. Yeah.

Q. Okay.

A. Yes.

Q. How are those pictures sexually offensive to

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you?

MR. BAILEY: Well, first of all, let me place an objection. I don't know that she ever indicated it was sexually offensive. That's assuming a fact or testimony certainly not in evidence.

MS. YERGER: Well, that's in the complaint under the things that --

MR. BAILEY: The question is, how are those offensive to you. That's fine.

THE WITNESS: I find it offensive because I had to go into that corporal's room. Even when he wasn't there, it still reminded me of what he did when he was there.

BY MS. YERGER:

Q. Okay. Other things that --

A. He kept it in my mind constantly.

Q. Other things that Corporal Baker did?

A. He rubbed his rear end, like I said before. And he came in one -- one day I was at the communications desk, and I was working with Robert Strait. And it was just about time for the shift to end, but everything had to be taken care of before you would leave. Baker came in probably maybe quarter till 3:00. And he was just wearing -- he was wearing a pair of shorts and T-shirt like he came to work most of the time.

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And I said hello to him and asked him how he was to, you know, be polite. And he said, oh, my back hurts and all this. And Robert Strait was at the communications desk with his back to Baker, and he was at the computer finishing an incident. Robert Strait said, Bake -- that's what he called him; Bake. He said, can I rub the hair on your legs? And Baker said, oh, Bobby. He said -- he said, my back hurts, do you want to rub my back. No, I'll come rub your back. And he comes over to Robert Strait. He starts massaging Robert Strait's back, his neck and saying amorous things like, oh, Bobby, what big strong shoulders you have and just kept rubbing him. And I was at the -- I was there at the -- taking care of the press releases to make sure they were taken care of. And I said, I don't think you should talk like that. And Baker turns around to me. He says to me -- he says, what's the matter, don't you like gays? Well, there was no yes or no to that. Then he went on to say, well, I think Bobby ought to get take -- get special treatment. And, you know, what's the response to something like that? I couldn't give any kind of response, and I didn't. I didn't give any kind of response.

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And Baker was still standing there. While he's telling me about didn't I like gays, he's still rubbing Bob Strait's neck and back.

Q. Did you find that offensive?

A. Yes, because if they -- if they were sweet on each other, that's fine, but they didn't have to do it in the communication room.

Q. You didn't -- you could not have interpreted that to mean something other than they were sweet on each other?

A. I don't know what to say to that.

Q. Okay.

A. I've never seen one man rub another man.

Q. Other incidents of harassment involving Corporal Baker.

A. Baker --

MR. BAILEY: I'm sorry. Corporal Baker did you say?

MS. YERGER: Yes. Corporal Baker.

THE WITNESS: It was -- I believe it was -- anyway, he -- I'm not sure if it was the same night or not because, like I said, you had to clean everything up there. Some nights I didn't get out of there -- or days didn't get out of there exactly at 3:00 o'clock because you had to have everything taken care of.

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Baker started talking about how he was going to get his penis pierced and his wife was going to get her nipple pierced. They were going to do this for their anniversary. Well, what kind of response is that -- would I make to something like that? It was so humiliating to hear a grown man tell this stuff. I couldn't -- I couldn't stop him. I mean, if he wants to do that sort of thing, he can keep that private. I don't need to know it.

BY MS. YERGER:

Q. Did he tell you that?

A. Yes.

Q. No one else was in the room?

A. No. Bob Strait was there. I think it was the same -- I think it was all took place the same day because I was still standing -- I remember where I was standing. I was standing at the communications desk. And I think he left Bob Strait then. Then he starts talking about what they -- him -- about his -- him getting his penis pierced and his wife's getting her nipple pierced for their anniversary. Now, I don't know when their anniversary was. Maybe he was just saying that. I don't know. But he's telling me and he's telling Bob Strait too. Bob Strait's listening to it.

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Q. Do you remember when it was?

A. I don't have the exact date in my mind at the moment.

Q. Did you tell him that you didn't like him making those comments in your presence?

A. I'd already told him about the wrestling move. What good would it have done? I mean --

Q. Did you tell him --

A. I told him about rubbing Bob Strait, but I didn't tell him I didn't like the rest of it about the penis and the nipple piercing. I didn't tell him that.

Q. Did you tell --

A. I already told him once that -- that I didn't like him talking and rubbing Bob Strait and saying amorous things to him.

Q. Okay. So let me get this straight. You didn't make a comment to him after the comment about the penis?

A. No. It wouldn't have done any good. He didn't care.

Q. Did you go to anyone else and tell them that you didn't like those comments?

A. They didn't -- there wasn't any reason -- there was no one on that station that I could go to. I had a sergeant there who was talking about abusing

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children and bestiality. There was no way I was going to be able to tell him. There was nobody.

Q. Did you go anywhere outside the station to complain about these comments?

A. I had talked to Mike Fix and Chris Davis about what had been going on there at the station. I told them about Baker's move, and they were relaying this information to the Senator's office.

Q. Did you go to anyone in the Pennsylvania State Police to complain about the actions of -- that you just told us about?

MR. BAILEY: You mean aside from the -- the ones she's already testified to?

MS. YERGER: You mean -- no. She just testified --

MR. BAILEY: Besides complaining to Baker?

MR. YERGER: Oh. Besides complaining to Baker.

MR. BAILEY: Yeah. I mean he was a supervisor. That's all I'm saying. You mean outside of the station there?

THE WITNESS: I went to Virginia Smith Elliott eventually.

BY MS. YERGER:

Q. Okay. We'll go back to that. Tell me about

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any more comments that were made.

MR. BAILEY: By Baker or do you mean somebody else?

MS. YERGER: I don't know if we're done with Baker or not.

BY MS. YERGER:

Q. You'll have to help me with that.

A. Right at the moment I guess -- I guess that's -- we're done with Baker. I don't -- I can't -- I don't know.

Q. Okay. Anyone else direct comments that you thought were sexually or otherwise harassing?

A. Not sexual.

Q. Okay.

A. No one else did sexual harassment.

Q. There were no other sexual comments by anyone?

A. No.

Q Any troopers?

A. No.

Q. What about other comments that you thought were harassing, whether it was because of your age or because of your political affiliation?

A. Prendergast pounded on me at every shift.

Q. Pounded? By --

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A. By -- verbally. And he had been a -- well, had even asked Easton, did you assign Prendergast to me, because it was so obvious. Prendergast, I feel sure that he even changed shifts -- shifts were changed so he could be on the 3:00 to 11:00 with me. And Prendergast just kept at me day after day. It didn't matter what I did. He called me a liar. And that -- well, that's another thing about Easton. Easton told me that the village idiot could do my job. He insinuated -- I don't know who -- I don't know who this village idiot was because I didn't know any. But Apparently Easton did because he had this village idiot that could do my job better than I could. I was told that numerous occasions. But Prendergast, he would tell me I was a liar and he was going to watch me. He was going to watch me every shift the whole time.

Q. Was he going to watch you because he --

A. He didn't trust me. He was going -- and I was a liar.

Q. What didn't he trust?

A. He just didn't trust me. He just -- he didn't trust me. He kept telling me he didn't trust me. I -- he -- oh, Easton and Prendergast both told me that the troopers are in fear of their life.

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I mean I was a deputy sheriff. I mean I don't know how I was going to endanger their life, but he just kept telling me he was going to watch me. He would go into that corporal's room. He would pull that chair over there to that doorway. There's a doorway in the front of him and in back of him. He would sit there and turn the TV on. And he would sit -- it was just a straight shot just like that window is. I would sit there at the communications desk, and he would watch and he would watch me. I guess he kept one eye on the TV and another one on me. I think the only time the man got up was maybe when he went to the bathroom or to get something to eat. The man would watch me.

Q. And you considered that sexual harassment?

A. No. I just -- I consider that downright harassment because he just kept at me.

Q. And --

A. I don't know -- I don't know -- I don't know the legal terminology of sexual harassment, but that was harassment. The man wouldn't let me alone. He would watch me.

Q. Was he giving you reasons for -- like if he would give you a -- if he would tell you you were doing something wrong, would he then explain how to do it right?

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A. No. He would -- every time I'd ask him for help, he would say, you've been showed that, you've been showed that. He would not help me.

Q. Did anybody help you?

A. Not any more than they had to. I would ask for help. It was amazing. There's a corporal -- corporals apparently didn't know how to do anything because they would just bluff me off and mumble, oh, you ask so and so when he comes in on shift. That's the kind of response I would get. I had a trooper one night. He helped me at the desk. He was -- for some reason he was assigned to the desk. Once in a while there would be a trooper that would be assigned to the desk. I don't know what for or what reason. And he helped me one night. And I knew him from -- he growed up in McConnellsburg. He knew my family. And after the shift got over I thanked him for helping me. And I told him -- I said, Brent Jessick, you are a good teacher, you ought to teach. Oh, no, no, he said. And I can't -- I wish I could, but I can't remember who else was in that communications room that night because I thanked him for helping me and being a real good teacher.

* * * * *

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Q. Okay. What other incidents that you considered harassment happened involving anyone?

A. Prendergast. Prendergast would come out there on different occasions, and he'd have his -- he would be maybe going out on an incident or something a couple times that it happened. He -- he was going out. I

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don't know what he was doing, but he would come out at that communications desk. He would put a pair of black gloves on. They didn't have any fingers in them. He would stand -- like this was part of the communications desk, and of course they ran like that. At the times it happened I was sitting here at the computer. He came to the -- should I stop talking?

MR. BAILEY: Thank you.

BY MS. YERGER:

Q. Please continue.

A. But he came out to the other side of the communications desk, and he had these black gloves on. And he started doing this (indicating). And he would hit, and he would hit on the other side of this communications desk at me. He'd just stand there and do that.

Q. Was he staring at you while he was doing this?

A. Yes. He would stand there, and he would do this (indicating). That was intimidation. Like he had a reputation of beating up on people, and it was -- he was trying to -- he was threatening. I was -- I didn't know what he would do. He would walk around, and he would portray himself as this Nazi. And one day -- one evening Trooper Sechoka

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-- or Corporal Sechoka, he was sitting there at the doorway there. I could see him. Prendergast was going back through from -- he had gotten something off of the top of the desk. He was walking back through. And he reminded me of the tank commander in The Longest Day. He would stand up real straight with this hateful look on his face. And Corporal Sechoka said to him -- he was looking at him. And he said to him -- he said, you remind me -- and he said a curse word -- of a storm trooper or Nazi. And Prendergast laughed. He said, I've been told that many a times. And he started telling this story how when he was stationed out near -- I think it was Philly -- Smithport -- how he went into this woman's apartment one night. She went into the bathroom, and she locked the door and crawled into the bathtub and pulled the shower curtain. And when he knocked the door in, she told him he was a storm trooper. And he laughed. He said she even told that in court; how I was a Nazi and I was a storm trooper. He was proud of it. He was proud that he could go and intimidate people like that.

Q. Did you ever tell Sergeant Easton about Prendergast's actions in terms of hitting his hands?

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A. Easton -- Easton assigned Prendergast to me. I even asked Easton if he had assigned him to me. And I said, did you assign -- assign Prendergast to watch me or -- no. I said -- that's not the way it was. I said, did you -- is Prendergast assigned to me? I knew he had been because he was the one who kept this constant harassment up. He said, well, now, who would do that --

Q. Did you --

A. -- in a manner that dared me to say, well, you. I mean I was afraid -- I was afraid to say that.

Q. So the answer to my question is, no, you didn't tell Easton about hitting his hands?

A. That's right. Wasn't any use.

Q. Did you tell anyone outside of the Pennsylvania State Police barracks who was a member of the Pennsylvania State Police barracks? I'm sorry. Let me rephrase that. That didn't come out quite right. Did you tell anybody else in the Pennsylvania State Police outside of the McConnellsburg barracks about what was happening to you?

A. Concerning who?

Q. Concerning Prendergast hitting; concerning, you know, some of these other comments.

A. When I called Virginia Smith Elliott, I told

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her a lot -- a lot of this.

Q. Okay. We'll get back to that conversation with her in a minute. So you told her about that?

A. I told her. Of course I was telling my husband.

Q. Okay. Other comments that were made to you that you found were sexual or age or -- sexual harassment, age harassment, discrimination.

MR. BAILEY: Could I -- I'll object to the form of the question. If there's a legal definition to those things, of course, you know --

MS. YERGER: Of course. I can rephrase it.

MR. BAILEY: Yeah, because, you know, asking her to discern what is or is not this type of harassment, that type of harassment --

BY MS. YERGER:

Q. Other comments that were made to you that were offensive.

A. It was offensive -- it was offensive to me every time when Prendergast would call me a liar. Prendergast, he accused me of taking home the accident file. Baker had started accusing me, and that wasn't true. And then Prendergast started one night; told me he wanted to talk to me in the corporal's office and --

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after roll call. I thought what's he going to do to me tonight. And I went in there, and he started telling me that I -- he accused -- started accusing me of taking the accident file home. I said, I would -- I didn't do that. I said, Bob Strait was there when you found it. I said -- I said, that's not true. And he started telling me that Jody Lancaster had told him all this stuff, and I said -- I said, you bring your polygraph people down here. I said, I'll take a polygraph, and she can take a polygraph. He said, well, what's that going to prove? I said, you're going to see who's lying. I was still thinking at that point that somebody on this station was decent and honorable maybe enough to get the truth. And it wasn't the case. And I told him -- I said -- you know, he's standing there telling me I'm a liar and he's going to watch me? And then he tells me -- he said, we all know how you got your job. He said, you're the last political appointment. He said, and you're going to have to work through this with the troopers. Well, I knew where that was coming from. I knew that I didn't have a chance of trying to reason with anybody, not even him, that I was telling the truth.

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And Baker had -- like I said before, Baker had accused me of taking this accident file home. When I left that station -- the night that happened, when I left that station, Bob Strait was there, Stacy Gelvin, Jody Lancaster and Baker. Baker called me a little while after I got home and wanted to know if I had this file. And I said, well, no. I said I didn't have it. I said I would check through my notes and things. I said, but if -- I knew I didn't. And if I did, I would -- I would call him right back or I'd bring it out. He says, no, no, that's all right. I didn't have it of course, and I called him back and I told him. And so then the next morning when I went in on the shift, Bob Strait was working that shift also. I got in

there, and I signed on that computer. I don't know where Bob Strait was. And I don't know when he -- I don't know where he was. But after a while he came out into the communications room, and he starts rumbling through -- rumbling through the press releases. And he says, well, here's that accident file. He said, you're my witness. And I tried to tell Prendergast. And I asked Prendergast, and Prendergast is accusing me of taking this accident file. I said to him -- I said -- I

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told him what happened with Bob Strait. I said, you've talked to Bob Strait? He said, no, I haven't seen him. I said, well, you ask Bob Strait about it, he's the one that found it. Prendergast left that night. He never did talk to Bob Strait. Bob Strait came on I believe at 11:00 o'clock that night. He never talked to Bob Strait. He never asked Bob Strait. I was the only one he ever asked about any kind of an accident file.

Q. So you were offended because they asked you if you accidentally took the file home?

A. No. That isn't how he asked me; accidentally. He accused me of taking it home, and he called me a liar.

Q. Okay. Other incidents that you found offensive?

A. Easton asked me one day -- he said, what do you think of your shifts. I said, I hadn't thought of it -- thought much about it. And he said to me -- he said, well, I think the 7:00 to -- well, he says, that's a nonanswer. And I said -- and I didn't say anything. He said, I would think the 7:00-to-3:00 shift would be better for your marriage. What the -- I didn't answer him. And Easton started this business

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about, well -- about what's your daughter's name? And he knew what my daughter's name was. She's the prothonotary of Fulton County. And he would say that;

what's your daughter's name, what's your daughter's name. And I'd say Patty. Well, where's she work at. He knew where she worked. I said, the courthouse. Then it would be a couple days later start this again; what's your daughter's name, what she's like, things like this. And Easton had a reputation for liking young girls.

Q. And you know this how?

A. Because the second -- either first or second day that I was there Stacy Gelvin was parading around in her -- in her short dress. And she was cold she said. Easton was there. Easton left the communications room. She was walking around hugging herself. Easton came back. He had his windbreaker. He came in, and he put it on her. She's walking around like a teenager walking around with their boyfriend's school jacket. She's walking around. Later on that day I went out of the communications room to take a message back to his office, and there he was on back the hall. He had Stacy Gelvin up against the wall. He had a hand on each shoulder, and he

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was pushed up against her. His face was only inches maybe from hers. I just put the note into the -- in his office and went back down the hall. I just really -- I just wanted to go there and do my job. What they did, you know, that was somebody else they had to answer for. Then a lot of other things that we had heard probably are considered rumors. He was involved in Camp Cadet program.

Q. Actually I'd like to just know anything you saw --

A. All right. All right.

Q. -- or you heard.

A. Had a twenty something Fulton County news reporter named Shannon Rotz. She had complete run of that station. Any time she came to the station, I was told to let her in. She would come in, and she would go directly back to his office. She spent time with him. And

if she -- if he wasn't there, she'd go back to visit Baker, if he was there, or some of the other corporals or whatever she could find. But this one day she came in. She went back -- well, she was supposed to be there to pick up the news releases. She went back to his office. She came out along with him, and she was carrying a plant his wife had

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apparently gotten him because they mentioned that. She said the plant needed more light because his office was too dark for the plant. She took the plant, put it up there on the file cabinet. And then she said about her back hurt and so -- and would he fix her back. He goes and he puts his arms around her, pulls her tight up against him. And there they are wiggling around in the communications room. I mean he -- he's rubbing up against her.

Q. Did you say anything to him or her?

A. No. There was no -- there was no reason. She had complete -- it was understood that you left her in. She had complete run of that place, and you didn't say anything to her either.

Q. Okay. Other incidents?

A. I don't know what else. I don't know what else at the moment I would think.

Q. So at the moment you just can't think of anything else? That's fine. Are you aware that the department has a sexual harassment policy?

A. Yes.

MS. YERGER: I want to mark this Suders 4. (Document entitled Sexual Harassment Policy produced and marked as Suders Exhibit No. 4.)

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BY MS. YERGER:

Q. Have you seen this policy before?

A. Yes.

Q. Okay. Did you have to sign for this policy?

A. I don't remember signing for it because I think -- I don't remember signing for it, but I think I probably received this when I went to school.

Q. Okay.

A. And then I had hunted it up out of the AR manual probably.

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Q. Nancy, did you ever experience any unwelcomed sexual advances?

A. I don't know -- I don't know if I can actually -- I don't know if I can actually determinate what unwelcome sexual advances are because when Easton's talking about sex with animals, maybe that's what that was.

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BY MS. YERGER

Q. I believe the last question was, did anybody ask you for sex; to have sex with them?

A. No.

Q. Did anybody physically touch you?

A. No.

Q. Did anybody make any kind of contact with you that you considered sexual?

A. I considered it sexual when Baker was standing there grabbing himself.

Q. Okay. Did anybody tell you jokes that you were offended by?

A. They -- they weren't exactly jokes. Baker

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made racial remarks, but they weren't exactly jokes.

Q. What kind of racial remarks?

A. I have a lot of -- I have a lot of friends who are black, and that makes no difference to me. But I had taken a call, and it was from our black community west of town. And I put out over the radio that there's an incident out there at the black community that need a response. And it wasn't much of a response, but they went. They came -- when the officers came back -- and Baker was there too. I don't know where he was when I put the call out. They came in there, such carrying -- he started carrying on. He said, you better stop making racial remarks. I said, I don't make racial remarks. He said, you're going to have all those niggers surrounding this building, he said, with guns. I said, I don't -- I don't do stuff like that. I said, they're not going to be offended. I said, it's the black community. I said, I have friends out there. I said, I -- you know, if anybody comes out and says anything, I'll talk to them. I said, I did not make a racial remark. And he kept this up. Then Trooper Loopy

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came in. He was laughing about it; you better stop saying that out over the air. And I said, I did nothing wrong.

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BY MS. YERGER

Q. Okay. You have already explained that you did not report any of these incidents which you've told us about and that you then went to Virginia Smith Elliott, is that correct?

A. Yes.

Q. That was in line with the affirmative action -- or with the sexual harassment policy? Did you do that because you read the sexual harassment policy and then realized? Like, how did you know to talk to Virginia Smith Elliott?

A. When I was in school in June, Virginia Smith

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Elliott taught a class. It had to do with sexual harassment, and she did it for a good talk. I knew I needed help. After the class was over I went to her, and I asked her if -- I told her that she -- that I was interested in her class and everything and it was a very good class. And I said -- I told her that -- I said, I might need some help. And I said, do you have a card? And she said, no, I don't have a card. She said, but I'll write my name and phone number down for you; if ever need help, you call me. She took my paper, and she wrote her name and her phone number. And I'm not -- I haven't looked at it recently. I don't know what else just on it. So when things got so bad, I thought that I could go to Major Virginia Smith Elliott.

Q. Okay.

A. And that's why I called her. I never saw her name out on any station posted or any -- in any manual. I talked to her directly in June, and that's how I knew who to call.

Q. Okay. So -- and you called her in August?

A. Yes.

Q. Could you tell me about the context of the telephone call with Virginia Smith?

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A. Things had gotten so bad. I was so afraid of what might happen to me. By that time I -- I was -- I had -- I kept my pocketbook and my notes right with me at all times right there at that communications desk. I was only

taking a bottle of water and some pretzels. I mean it had gotten -- the harassment had gotten so bad. And so then I was off the 18th and the 19th of August. I called her up on the 18th, and I told her. I said, I need help. I said -- I told her what was going on. And I said, I am afraid. I said, I want an investigation started now. I said, I'm afraid they're going to set me up with drugs or something. I said, I don't know what they're going to do to me. I was keeping my vehicle locked. It just got -- it just got to be unbearable. I told her all -- I told her about he had -- Easton had called a friend of mine. It was Republican Chairman Mikeal Fix. He called Mike for a meeting, and he discussed me with Mike. But when I told her that he had called a friend of mine, first words out of her mouth was, is it a boyfriend? We're talking -- I'm talking to a major of the Pennsylvania State Police, and she thinks she's taking a call from just -- I don't know who. And she asked me if it's my boyfriend? And

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I'm telling her how much pain I'm in, how I'm afraid of these people. And she thinks I'm talking about a boyfriend. And I told her -- I said, no, it's -- I said, it's a Republican County Chairman. I said, he called him up. And I told her about -- I told her about what was happening to me. And I asked her for her help. And she tells me to get the form at the station. I said, there's no one here that I can get the form from, I don't know if I can find it. I said --

Q. Did she tell you where the form was?

A. She said -- she -- I think she said it was in the AR manual maybe, but I didn't know how to find it. And I told her that I -- I said, I don't have any help here, I can't ask anybody, I don't know if I can find it. I said, if I can't find it, will you send it to me? She said, well, just a minute. She left the phone. A minute or so elapsed. She came back. She said, well -- she said, you try to get that form. I said, if I can't find it then, I said, will you send it.

She said, I'll see what I can do. That was her response. She never said she would give it to me, send it to me or anything. I was supposed to hunt for this form in some manual.

Q. Did you tell us earlier that you were aware

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of the administrative manual; the administrative --

A. I knew they had manuals there. And I was being watched constantly by Prendergast. I had to be very careful what I did. I would get in those AR manuals every chance I got and try to go over them to find what I could do to stop this. And I never did find the form.

Q. Okay. You did receive one at some point, though?

A. No.

Q. Did you fill out a form?

A. What I found -- found at the state police was a -- was some kind of a -- it was similar to what I thought maybe would work, and I was wrong. And I put my information in it. And that's -- and I made copies of that, and that's what I eventually handed over to the Senator and all of his people. But I didn't even know then I didn't have the right form. But I was never sent a form by the state police. She didn't even ask my address. She wasn't interested in sending me any form. I was supposed to hunt for this form in this -- I don't know what -- jungle of people that -- I couldn't get the form. I couldn't find it.

Q. Did she tell you that she would not send you

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a form?

A. She kept telling -- she kept telling me to hunt for it. I asked her, and she -- if she would send me the form if I couldn't find it. And she said, I'll see what I can do. She never said, yes, I'll send you the form, what's your address. Never once did she ask me any of that. And I'm still trusting somebody at that point. I'm still thinking

somebody's going to do the right thing here.

Q. Okay. It's my understanding that -- or tell me if I'm wrong. How did you end your employment with the Pennsylvania State Police?

A. Do you want the whole story of the last night or what?

Q Yeah. I want to know about the last night you were working there. What happened?

A. I had the 3:00-to-11:00 shift. And I went into work. And Baker was working. Sechoka was there. I'm not even sure if he was supposed to be working now. I saw Zimmerman. These are corporals. I saw Zimmerman in a pair of shorts and a T-shirt that night which I thought, I wonder why -- if he wasn't working, why he was even there. And then Prendergast was there. And Trooper Dixon was there.

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Trooper Hemming was working too that night. But at 7:00 o'clock -- any time I left the communications desk, I had to put it on overhead. That meant everybody knew that I was not at the communications desk. And I went back to the bathroom, and I went to the bathroom. I flushed the commode, and I looked at it and -- I looked at the commode, saw all these -- this blue spots and stuff. And I thought -- and I thought -- well, I knew it didn't look like TidyBowl or something. But it was these blue spots, and I thought, I wonder what that is. And I thought, I'm going to look in that dresser to see whether -- what else they got in there of mine, what else are they doing to me. At that point I was -- I was just getting so tired of all the harassment and the hatefulness. I pulled the drawer open, and there was two envelopes there. The small one, looked in it. And larger one -- well, I looked in the smaller one. It was more of my stuff. Put it back in, looked in the other one. It was just more of incidents I had made up.

Q. What stuff?

A. Incidents. Incidents that I had made up on I believe it was August the 12th.

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Q. I'm sorry.

A. I had made incidents. If you get a call, you have to make an incident up on the computer, and then it has to be filed. Someone had went and made a copy of my incident. At that point I was just wiped out. I thought, what kind of people are these people? It was just constant. I couldn't go to work without them doing something constant. I had put the stuff back in the small envelope. And as I was putting -- I thought -- I was just -- I was just purely wiped out. They just weren't going to let me alone. I went -- as I was putting -- I just started shoving the stuff back in. I heard the computer go off because of the overhead. I went -- I shoved the stuff back in, throwed it in the drawer I guess disillusioned. Ran down the hall. Trooper Dixon was at the communications desk. He said, oh, Nancy, he said, it's nothing. Because I already had ran down the hall because you had to get there. I smelled Trooper Dixon's French fries. He must have -- he came out. He brought his food back in apparently. Ran in the communications room. Trooper

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Dixon said, oh, Nancy, he said, it's nothing. He said, forget it and wiped it out or whatever and didn't print it off. And I said, okay. So he went back out to eat his supper I guess. And I thought, what in the world are these people doing. Why would they make a copy of my incident? There's nothing wrong with it. I thought I'll go look at the copy that's in the file cabinet. It was right there in the communications room. Pulled the drawer open, and I was hunting for the incident. And I noticed I had blue on my fingers. I knew they had put something in there. I knew they had.

Q. Put something in where?

A. On the commode and probably the handle. I knew -- in the paper towels because I had seen the blue. And I thought --

Q. Well, did you tell us that you were in the drawer where there was files of your incident reports?

A. I pulled the -- well, where I got -- no. I don't understand.

Q. Is it -- didn't you just say that you looked in the drawer with the -- with the files that had your incident report?

A. No. I didn't know anything was -- I didn't

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know what was in there. I didn't know what might be in there. I just pulled it open to see what was in there.

Q Okay.

A But then when I went back to the communications room, that's when I pulled the file cabinet open to see what -- what the file -- what the incident looked like. What in the world -- I was thinking to myself, what in the world did they do this for? And as I did I saw the blue on my fingers, and I knew that they had put something in the bathroom on the commode.

Q. After you saw the blue on your fingers, what did you do?

A. I had some cream there, and I just started wiping it off. I mean at that point I was just -- I was devastated at that point. And I got most of it off, and I just went over into the -- where they do the fingerprinting. Over there there's a sink, and it has Go-Jostuff there. I just starting getting some of it and started smearing it on my hands. And Sechoka, he comes out. He came out of the corporal's room. And I said to him -- I said, there's blue stuff back there in the bathroom. He said, you're not going to get that -- I told him it was in the bathroom, it

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was on the commode, it was on the handle, the paper towels. He said, you're not going to get that off. He said, that's on that dresser. Well, I knew it was on the commode because I saw it on the commode. And he said, I'm going to call the sergeant. I just kept cleaning my hands off, went back in the communications room. Baker came -- Baker was there. He said -- he said, that's bad getting into somebody's stuff. I said, I didn't get into anybody's stuff. Walked over to the drawer in the communications room that had Jody Lancaster's name on it, pulled it open, said, what did you get into here. I said, I didn't get into anything in there. He yelled back to Sechoka. He said, John, where's it at in here. Sechoka said, it's back -- it's not in there, it's back here. So then I told Baker -- I said, well, I'm resigning. I couldn't -- you know, I think at that point I said -- and he said -- I said, I'm resigning. I had a resignation there that I had in my pocketbook. And he said, well, you can't leave. And I said, well, I'm going to leave. I said, I'm resigning, I'm leaving. I couldn't stand -- take it anymore. And he said to me -- he said, well, you're

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not leaving. He said, you're a suspect. I said, a suspect? A suspect in --

MR. BAILEY: Just one second. Why don't we suspend and go off tape.

VIDEO SPECIALIST: It's approximately 1:47. We'll be off tape for lunch.

(Luncheon recess.)

VIDEO SPECIALIST: It is now 2:53 approximately. We're back on video.

BY MS. YERGER:

Q. Okay. Before we left off to take a lunch break we were talking about your last night on the job. What I think I want to do. I have a couple documents I want to get through. I think it might be -- including the complaint itself. I think it might be easier to do -- go through the documents. And then if I have additional questions, go back and ask those. I don't want to be repetitive. If I am, I apologize. And I don't want you to repeat things that are upsetting or bothersome to you. We'll just make sure that we've covered all the bases. And you were telling us about your last night, and I'd like to have a document marked.

(Discussion held off the record.)

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(Letter dated 8/19/98 from Nancy D. Suders to To Whom It May Concern produced and marked as Suders Exhibit No. 5.)

BY MS. YERGER:

Q. Nancy, could you identify that document for me?

A. It's my resignation.

Q. And is this a document that you gave your last night at the barracks?

A. Yes.

Q. Okay. And what night was your last night?

A. August the 20th, 1998.

Q. The date on this is different than that. Can you tell me why?

A. I had talked to Virginia Smith Elliott on August the 18th. I was off the 19th. I had told her that I was afraid. I had told her I didn't know what they might do to me. And I knew that it might get so bad that I would have to resign and -- because of the harassment. And so I -- on -- I was off August 19th. I just typed it up and was keeping it with me. And then I went in there August the 20th, and that's when all these things happened.

Q. Okay. Who did you give the letter to?

A. I tried to give it to Baker. Baker wouldn't

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him -- I said, I want -- I said, I'm resigning and I am leaving. He wouldn't take the resignation. And I guess I was going to do what was right by resigning -- you know, resign I guess instead of just walking out, and he wouldn't take it.

Q. Okay.

A. He told me I couldn't leave.

Q. Okay. And why don't you tell us why. Tell us why he wouldn't let you leave or what the incident was.

A. When I went back into the -- after I was -- washed as much of the blue off my hands as I could get off, went back into the communications room. Baker was there. And -- well, I told you before about he asked what I got into and all that stuff. And I said to him -- I said about I was resigning, and I said, and I was leaving. He says, you can't leave. And I said, well, I'm going to leave. I said, I'm resigning, I'm leaving. And he said, you can't leave. And I asked him, why can't I leave. He says, you're in -- you're a suspect in a theft. I said, a theft? I said, what was taken -- what was taken, you know, what is that? And he said, well, Jody Lancaster had something taken, something to that

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effect. And he said -- I said, what was taken? Well, he didn't know. I said, well -- I said, I'm resigning. And he said -- before that he kept saying to me, trust me, trust me, tell me what's going on, pretending like he didn't know what was going on. And then he turned around, and he told me I was a suspect in a theft. So he definitely knew what was going on. And he just -- he wouldn't let me leave. He said, the sergeant wants to talk to you. And Sechoka had went to call the sergeant. And he -- you know, Baker kept telling me I couldn't leave.

Q. Okay. So --

A. And so then he said -- I said, well -- I said, I'm going to leave. He says, no, you're not. He said, if you leave, you're going to be AWOL. I said, AWOL? I said, that's in the military. I said, you going to put me in jail? I know in the military if you go AWOL, then you go to jail. Are you going to put me in jail? He said -- well, he said, no, but you're not going to leave, you're going to -- the sergeant wants to talk to you. And that's really what kept going on until the sergeant showed up.

Q. And then what happened?

A. The sergeant showed up. And Easton and Sechoka I think -- I'm not positive, but I think they were

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back in the women's locker room. I don't -- I think that's what -- I don't know what they were doing. And they didn't come out, and they fooled around. And it was just about 8:00 o'clock I think. I'm not sure -- positive of the time. I told Baker -- I said, it's like this. I said, I'm not going to spend the night here, I am resigning and I want to leave, I'm leaving. He says, you're not leaving. I said, are you going to grab a hold of me?

Q. I think we understand that. What happened when Sergeant Easton --

MR. BAILEY: No. This is a different -- go ahead.

THE WITNESS: Right.

MS. YERGER: This is a different incident?

MR. BAILEY: This is not the same. Yeah. This is not the same.

MS. YERGER: Okay.

MR. BAILEY: I know what you're saying. It's confusing. She's talking about before. It's not the same.

MS. YERGER: Okay.

THE WITNESS: Right. Easton had arrived.

MS. YERGER: Okay.

MR. BAILEY: Yeah.

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THE WITNESS: So I -- like I said, it was around -- almost 8:00 o'clock I believe. I told Baker -- I said, I'm not spending the night here, I'm leaving, I'm resigning, I said, and I am leaving. He says, you're not leaving. I said, have you been assigned to keep me here? He said, the sergeant said you're not leaving. He said -- I said, are you going to grab a hold of me? He said, well, you're not leaving. He said -- he said I wasn't leaving. So he went -- what? Do you have a question?

BY MS. YERGER:

Q. No, no. Please continue.

A. So he said -- you wait here, he said. So he went back the hall and came back, said, the sergeant said that he'll be out in about five minutes. So then something like I guess -- I don't know how long. Easton, Sechoka came out. Easton told me to sign off the computer. I signed off the computer. And they told me they were taking me back to the interrogation room. They hauled me back to the interrogation room. Easton and Sechoka's there with this paper, and they tell me to sit down. And the only people I had ever seen back in that interrogation room was prisoners that I

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picked up. But there they had me back in this interrogation room. And Easton said, well, I'm going to read you your Miranda rights. He said, I don't know if it's necessary or not, but I'm going to read them to you. I said, am I being charged with something? No. Then he proceeded to read me Miranda rights. So then he said -- then he asked me if I understood. I said, yeah, I understood my Mirandas. And I'm thinking, why are these people -- what are they doing to me? And so then he said that he had a letter taken out of my personnel file or something, did I take it. I said, no. He said, Jody Lancaster had a letter taken out of her file or something, did I take that? And I said, no. And he said -- he said -- he said that -- he said, do you have it at home. And I said, no. And I said, I want my attorney. So he said something that I didn't catch, signed -- him and Sechoka

signed something I guess. I don't know what they did on the back of the Miranda. And I said, I am resigning. He ignored me. He went out of there, and he went past me. And I said, I'm resigning, you know, I'm leaving. He turned around, and it was -- there's a desk

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there or table. And he said, Corporal Sechoka wants pictures of your hands. And I was so upset and I was so scared of what they might do because Sechoka had a reputation of beating up people too. And I don't remember what I said, but he yelled at me. He said, I said to put your hands down. I was holding my resignation and my ink pen. And I hesitated or something, and he yelled again, I said to put you hands out on that -- on the table I think is what it was. Anyway, I put my ink pen, my paper down. I put my hands out, and Sechoka took pictures of the front and back of my hands. There was no way for me to get out of that room. Sechoka was in the front of me. Easton was off to the right -- my right shoulder right up against me. If I turned around, I would have ran right smack into him. I knew better. And then he'd probably charge me with assault. But I knew not -- I knew I had -- I'd better do it. And there was somebody in the doorway. I got a glimpse when I finally did get to turn around, but I don't know who that was.

Q Were your hands still blue?

A. There were very little blue on them. I've

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never seen the pictures. I don't know how much was on them. But I had already asked for my attorney. And so I picked them -- Easton turned away then after Sechoka took these pictures. I said, I'm resigning. He ignored me. I said, I'm resigning. And he turned around, and I -- I signed -- I must have just put August the 20th. I was thinking I put the -- I don't know. I thought I had a date on -- a time, but I apparently didn't. But I put the date in, and I remember I was shaking there. I slapped that date. I just wanted out of that place. And signed it, and he did take it.

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BY MS. YERGER:

Q. Can you identify Suders 8 for me, please?

A. It's an employee performance review.

Q. Did you sign it? It would be the second-to-the-last-page at the bottom.

A. I signed it that I disagreed with it.

Q. Okay. And what date was this?

A. The eighth month, fourth day, '98. August 4th.

Q. And is there anything specific -- the last page is an attachment of additional comments. If you want to take a second to review that, if there's anything specific that you disagreed with?

A. Well, I disagreed with a lot of it.

Q. Okay.

A. Do you want more of a response than that?

Q. No. That's all right actually. Not to bounce you around, but I want to go back to the complaint now.

MR. BAILEY: PHRC or federal?

MS. YERGER: Federal.

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THE WITNESS: I have another copy.

MR. BAILEY: Why don't you give me my copy back. Thank you, Nancy.

THE WITNESS: What page?

BY MS. YERGER:

Q. It would be page 3-F.

A. (Reading.) Yes.

Q. Did Corporal Baker say what trooper?

A. Yes.

Q. And what trooper is that?

A. Trooper Carl Dixon.

Q. Where did he make the comment?

A. In the communications room.

Q. Did he say it to you or was it --

A. Yes.

Q. Was there anyone else in the comm room?

A. No.

Q. Did you tell him you were offended by his comment?

A. Yes. I told him that was a terrible thing to say. I said, you shouldn't say things like that about that lady and Trooper Dixon. I said, that's a terrible thing. He just laughed.

Q. Did you --

A. He said, it's true. He thought it was

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funny. He just laughed about it. That's a hateful thing to say about anybody.

Q. Did you tell any of the other corporals about that comment?

A. No. It was no use.

Q. How about the sergeant?

A. No. There was no use to.

Q. How about anybody else in the Pennsylvania State Police?

A. No.

Q. Okay. G and H, I think you already described this; that Corporal Baker and PCO Strait were giving each other a back rub?

A. Baker was rubbing Strait.

Q. Okay. Again -- and if I asked you this already, I apologize -- did you tell them you were offended by it?

A. Yes.

Q. And what did you say?

A. I told them they should -- that they shouldn't do stuff like that. And Baker, he said to me -- he said, what's the matter, don't you like gays? And I didn't answer anything. There was no yes or no to that answer. Like I said before, hey, if they liked each

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other, that was their personal business. I didn't care what they did in private, but they shouldn't have been doing stuff like that in front of me.

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BY MS. YERGER:

Q. Again, did you report to any of the other corporals or anyone else at the barracks this conversation between Corporal Prendergast and Sergeant Easton?

A. No. I -- you know, you keep asking me that. There was -- there was nobody to go to at that barracks. And that was such a horrible, horrible thing for anyone to say. Who -- how many people could I have repeated this to anyway?

Q. In your PHRC complaint you said that it was on July 13, 1998, that you made the statement -- or that they made the statement about the blow job. If the statement was so horrible, why didn't you go to Major Smith Elliott with it then?

MR. BAILEY: I object. I'm going to let you respond to that, okay? I object to that question very strongly and very emphatically. I'm going to let you respond to it. Go ahead.

THE WITNESS: I was complaining --

MR. BAILEY: Let me do this just very briefly. I'm going to give you some instructions. Do not assume, when you are asked a question by opposing counsel

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or any attorney, even if it were me, that that question is based on the status or state of the law or that any implication that you have a duty to do something that might be contained in that question has any meaning whatsoever.

Do you understand me?

THE WITNESS: Yes. I believe so.

MR. BAILEY: Those are my instructions. A number of these questions have been asked and answered. But we're going to go ahead and go through this and exhaust this. I'm going to bend over backwards, okay? So if you can restate the question or rephrase it or perhaps you can read it back. You go ahead and respond. Do you remember the question?

THE WITNESS: Yes. She asked me why I didn't complain to Virginia Smith Elliott then.

MR. BAILEY: On July 18th when the statement -- you go ahead and respond. Go ahead.

THE WITNESS: I had been complaining to everyone; everyone who I thought would help me. I talked -- I was talking to Senator Jubelirer's office -- well, Mike -- through Mike. Just like the evaluations you showed me, those evaluations were sent to the Senator's office because they -- it was nothing but lies. I complained to

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the Senator -- like I said, the Senator's office knew this was going on.

I complained to the union. I complained -- I thought somebody out there someplace would help me. No -- everybody just said, just hang in there, we're going to do everything we can.

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(Supervisor's Notation dated 7/22/98 produced and marked as Suders Exhibit No. 9.)

BY MS. YERGER:

Q. Could you identify that for me, please?

A. It's a supervisor's notation.

Q. And had you seen it before?

A. Yes. I refused to sign it.

Q. Okay. And it says that Corporal Prendergast -- you were asked by Corporal Prendergast if you knew how to update the PFA registry file form. And you indicated you still did not understand the procedure required, even though the assignment was given to you on May 12, 1998. Do you remember that being said?

A. Yes. I remember this paper.

Q. Was it true -- when was -- what was the date on this?

A. July 22nd.

Q. And the assignment was given to you on May 12th?

A. Yes.

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Q. And the purpose of the supervisory notation is because you still hadn't gotten the assignment done, is that correct?

A. I still hadn't been trained.

Q. Okay. Had you asked anybody to train you other than Jody Lancaster?

A. I asked Prendergast for help.

Q. Okay. Did you ever do this PFA?

A. Yes. Eventually I learned how to do it.

Q. Did somebody help you?

A. I would -- I asked probably -- I'm not -- I'm just speculating. I learned how to do it eventually on my own. I was familiar with the -- with a PFA from working in the sheriff's department. I understand PFAs.

Q. All right.

A. As to what information you need.

Q. But you didn't do it before July 22nd -- you didn't learn how to do it before July 22nd?

A. No, because I hadn't -- I hadn't -- I hadn't been trained on it.

Q. Okay.

MR. BAILEY: Where is Suders 6, if somebody could help me?

MS. YERGER: It's the PHRC complaint. You should have that.

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MR. BAILEY: You already marked it? Okay. Thank you. Do you have yours? I'm sorry. I'm reading from it. Oh, my, what am I going to do.

BY MS. YERGER:

Q. Okay, Nancy. I want to show you what I want marked as Suders 10. I'm sorry. I keep doing that. (Desk Memorandum dated 7/26/98 produced and marked as Suders Exhibit No. 10.)

BY MS. YERGER:

Q. This is a -- or actually tell me what it is.

A. It's a desk memorandum from Corporal Prendergast.

Q. Can you tell me what it relates?

A. I'll have to read it here. Okay. Now do you have a question?

Q. Yes. My question is: Do you recall the incident with a CLEAN message about -- from the Ohio authorities coming into the barracks?

A. Yes.

Q. And what happened with that?

A. I showed it to whoever else was there. And they said, don't worry about it, they said, because -- they escaped from Ohio, and there was no indication that

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they would be coming to Fulton County. And they just told me to put it in the bin.

Q. Who is they?

A. Whoever was there. I don't remember who it was. I tried to tell Corporal Prendergast this, and he didn't pay any attention of course.

Q. Who would have been somebody you would have listened to?

A. I talked to whoever was there; another trooper or -- everybody was telling me what to do; troopers, supervisors. They were all telling me what to do. And if there wasn't a supervisor, then, you know -- I ran all those messages past troopers, supervisor, corporals, you know.

Q. So you were told-- your testimony is that you were told to --

A. Just put -- I did whatever I was told to do. It was placed in the crime corporal's bin at the front desk. And corporals are around all the time, and they're supposed to be getting their stuff out of their boxes.

Q. Okay. I'm looking at Suders 8. I'm on the back page. Under communications it says, needs improvement, you do not handle criticism well. Did Sergeant Easton, Corporal Prendergast or

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Corporal Baker ever say that to you?

A. No.

Q. But it was your testimony that Corporal -- I don't mean to trick you. But wasn't it your testimony that Sergeant Easton read this to you?

A. He read it to me, but you said -- you repeat that other question though. You said did they ever tell me that.

Q. Okay.

A. He read it in here. That's -- so much of this wasn't true. You know, it wasn't true, and that's why I

refused to sign it.

Q. Okay.

A. They put anything they wanted into this. It didn't mean it was true.

Q. So you're denying that you didn't have a problem handling criticism?

A. I never said anything back to them. I went in there, and I never said a word back to those people. I didn't. I just left them keep pounding on me.

Q. Okay. I'm looking at your federal complaint again, Paragraph 11, when you contacted Major Smith Elliott.

A. Yes.

Q. Do you remember when in August?

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A. August 18th.

Q. Is when you called her?

A. Yes.

* * * * *

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BY MS. YERGER:

Q. Showing you what's been marked as Suders 11, could you identify that for me, please?

A. Well, it's a -- it's a letter from I assume Grant Gordon to Easton stating that -- the information about the CLEAN test.

Q. Okay. And then at the bottom of it?

A. And there's a note from Easton.

Q. To you?

A. Yes.

Q. Did you receive that note?

A. Uh-huh.

Q. Okay. And what does it say?

A. Do you want me to read it to you?

Q. Sure.

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A. Nancy, as per the above information, please complete this exam and return to me by 8/15/98. This is a job requirement. If you need any assistance on how to locate the information needed to complete the exam or if you need anyone to assist you with your PCO duties while you complete the exam, please see me or the supervisor that is working the shift with you.

Q. Okay. Did you complete the exam?

A. Yes.

Q. Did you fail the exam first?

A. I don't know. I don't know. I never saw -- I never saw the test. I never saw it. I never saw the results.

Q. How many times did you take the test?

A. Approximately three different times.

Q. Okay. All right. I want you to describe to me the ladies' room. You mention it in Paragraph 17 at the substation at work. You also mention it in 18. What was in the ladies' room?

A. Okay. There is a commode, a sink, a shower, a bed, a chest of drawers, a closet type -- I believe it probably was a removable type closet, another dresser. Then you'd be back at the door.

Q. Okay.

A. That was the circle of the room.

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Q And were you told by Jody Lancaster that -- or anyone that the drawers in the dresser -- any of the drawers belonged to anyone other than you? Were the drawers marked?

A. No.

Q. When you were shown around on your first day, did any -- did Jody or anyone else point those drawers out and say, these are your drawers and these are PCO Gelvin's and PCO Suders'?

A. No.

Q. Where did you put your personal belongings?

A. In my drawer in the communications room that had my name on it. And in the patrol room I had a drawer back there with my name on. And I put things in both places. Mainly I put it in the communications room in that drawer because that's where I could watch my stuff.

Q. Okay. In Paragraph 20 -- actually in 19 you say that on the night in question you noticed a drawer partly ajar to one dresser and looked in. When you say night in question, do you mean the night that you resigned?

A. No. I -- no.

Q. Okay.

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A. No. That's not the night. That's not the first night I looked in, no.

Q. So in Paragraph 20 you say out of simple curiosity you opened the drawer and found it had certain contents in it?

A. Uh-huh. Right.

Q. When you opened the drawer, you didn't know it was Jody Lancaster's drawer?

A. No.

Q. Okay.

A. No, I didn't. And I still don't know who all that stuff belonged to.

Q. Why did you open the drawer?

A. Why not? I had complete run of the station, and I just -- I didn't know. Maybe I'd need like toilet tissue or paper towels or something and --

Q. Did you need them that night? Is that --

A. I don't really remember what I needed that night, but I looked in the drawers. There was no reason not to.

Q. Okay. And you say that there were -- there was some personal information about you. What was the -- what was the personal information?

A. Well, in the drawer -- the one drawer, it was -- there was my CLEAN test; the test that Easton was

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-- and Jody Lancaster -- both of them were supposed to have sent to Hollidaysburg.

Q. Were there other tests there?

A. Just mine.

MR. BAILEY: Is that the test she questioned you about previously; the CLEAN test?

THE WITNESS: Yes.

MR. BAILEY: Okay.

THE WITNESS: Yeah, it would be that one.

MR. BAILEY: Okay.

BY MS. YERGER:

Q. Okay. You say that there were a group of papers. What were the other papers?

A. Other incidents that I had made up and messages that I had given to other troop -- to some of the troopers.

Q. And were they in a folder?

A. Not at that point.

Q. They were just laying in the drawer?

A. They were in there, yeah.

Q. Which dresser was it?

A. It was the one as you walk in the door.

Q. Where was the other one?

A. Over there by the bed. It's very -- the room isn't that big.

* * * * *

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Q. Were the answers to the test in the drawer too?

A. I don't remember an answer sheet. I don't remember an answer sheet. I knew -- I knew -- I don't remember an answer sheet.

Q. Okay.

A. But --

Q. You told us that it was the test and then some other things?

A. That I had made up.

Q. That you had made up?

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A. Uh-huh.

Q. How many approximately? Do you remember?

A. I don't know how many pages there was to the test, so it's hard to say. I don't know. Maybe -- my test plus maybe four other papers maybe.

Q. Okay.

A. I don't know how many pages that was.

Q. In Paragraph 23 --

A. Uh-huh.

Q. -- you say that you took the papers out of the drawer?

A. Uh-huh. That night Jody Lancaster came to work at 11:00 o'clock; the same day I talked to Easton. She -- and I said to her that I had been given this letter and that I had to take that CLEAN test again. She said she didn't know anything about it. And I said, well, they said I only made a 78 on it and I'd like to know which questions that I missed. She said, well, she didn't -- she said, didn't they send it back? I said, no. I said, I'd like to know. Well, she didn't know anything about this test, didn't know anything at all. I said, well, I'm going to call Grant Gordon and I'm going to -- I'm just going to ask Grant to just send that test to me back here so that I can look at it and review it.

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And -- well, she didn't know anything about any test, and she was really surprised that they didn't send it back. So I went home. And I thought -- I thought that test is going to be gone now. So the next day when I came into work and I went back to the bathroom that evening, the test and the paperwork had been put in an envelope; manila envelope. I pulled it out, I looked at it; same -- my stuff. So I went and I got some typing paper -- white paper -- and another envelope. And I put those papers in that envelope, put it in that drawer and took the -- all my -- my papers and took it out to the desk and --

Q. Where are those papers?

A. Well, I have them.

Q. Okay.

MR. BAILEY: Did we produce those with the document request?

MS. YERGER: No. No, you didn't.

MR. BAILEY: That might be my fault, Nancy. I'll go back through the file and see.

THE WITNESS: Because I'd given you --

MR. BAILEY: I think -- I think -- I thought I had Adrianne copy the documents for them. We'll produce them. That's okay.

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MS. YERGER: Okay.

BY MS. YERGER:

Q. Okay. So you took the papers out of this drawer?

A. Uh-huh.

Q You don't know whose drawer it is, and you don't know whose papers --

A. Well, I knew whose papers they were. They were mine.

Q. The test was --

A. That was my test.

Q. Once you turn the test in, whose responsibility is it?

MR. BAILEY: That's not an issue in this case.

MS. YERGER: Okay. Okay. No, you're right. I'll withdraw that.

MR. BAILEY: You know, that's --

MS. YERGER: I'll withdraw that.

MR. BAILEY: Okay.

BY MS. YERGER:

Q. You believe that because you took the test, it was yours and you could take it, am I correct?

A. Well, it's like --

MR. BAILEY: Object to the form of the

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question. She went back -- when she says my test results, she's not talking about rights, titles and interests as a court of equity may somehow decide. She's talking about this is a test that I took, they're my test results. And I do think that there's a proprietary interest in any test that I take. Regardless of who it's turned into, I have an interest in it. It's my work product. I don't know what the question's supposed to mean.

MS. YERGER: I'll move on.

MR. BAILEY: Thank you.

BY MS. YERGER:

Q. You went to check the drawer again?

A. Uh-huh.

Q. That's what you say in Paragraph 24. And you say to see how Easton and Lancaster responded. What do you mean by that?

A. See what had happened after they found out that they no longer had the test that they were supposed to send to Hollidaysburg.

Q. Well, if you didn't know it was PCO Lancaster's drawer, why would she know the test was missing?

A. Well, I didn't really know -- well, okay. Easton and Lancaster had both told me that that test was

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sent to Hollidaysburg. So when I -- so they must have been the ones back there putting the test in the drawer.

Q. Was the test an original? Since I don't have it, it's kind of hard. Was it an original or a copy? A. No. It was original. It was my test.

Q. And the other documents, were they originals or copies?

A. They were copies. They were copies of things that I had done.

* * * * *

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MR. BAILEY: Nancy, let me help with this because she's raising a good question. Paragraph 19 -- I realized I composed the complaint. Paragraph 19 says on the night in question plaintiff noticed a drawer partly ajar and went to the dresser drawer and looked in. In describing events you appear to have described at least two occasions when you went into that drawer. I think she's looking for you to clear that up.

BY MS. YERGER:

Q Was it the same evening?

A. As I resigned?

Q. Yes.

A. Not with the first time I went in the drawer.

Q. How about the second time you went into the drawer? Was that the same evening or was that the next evening?

MR. BAILEY: Nancy, it's okay. Try to think. How many times did you go in the drawer on the day that you resigned, the shift that you resigned?

THE WITNESS: Just once.

MS. YERGER: Okay.

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MR. BAILEY: Prior to the shift when you resigned how many times had you looked in that drawer?

THE WITNESS: Twice.

* * * * *

[Reporter's certification omitted in printing]

PENNSYLVANIA STATE POLICE
DEPARTMENT DIRECTIVE

SUBJECT: SEXUAL HARASSMENT POLICY

26.01 PURPOSE

The Department is dedicated to providing a professional work environment which is free from all forms of discrimination, including, but not limited to, sexual harassment. Personnel shall not be subjected to sexual harassment. Founded allegations of sexual harassment shall be treated as misconduct and result in the application of appropriate disciplinary action, up to and including, termination.

26.02 GENERAL

A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of employment.

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, e.g., performance evaluations, selection for specialized position vacancies, Employee Position Classification Review.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

B. There are three basic types of sexual harassment:

1. Quid Pro Quo: The offer or inference of a benefit for submission to sexual advances, e.g., an offer of an excellent performance evaluation, an offer of continued employment or career advancement in return for sexual favors.

2. Hostile Work Environment: Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, e.g., repeated or constant conversational references of a sexual nature, or the display in the workplace of visual materials of a sexual nature.

3. Sexual Discrimination: Conduct that discriminates against a person based upon their gender.

C. Acts of sexual harassment are in violation of Title VII of the Civil Rights Act of 1964; the Pennsylvania Human Relations Act of October 27, 1955; and Executive Order 1992-1. Specific acts of sexual harassment may include, but are not limited to:

1. Repeatedly asking a person for a date.

2. Inappropriate physical contact or touching such as patting, pinching, hugging or purposely rubbing up against another's body.

3. Making suggestive or provocative gestures, e.g., leering, staring, inappropriate gestures, comments, jokes, or stories of a sexual nature.

4. Creating or displaying sexual visuals.

5. Retaliation against any person for reporting instances of alleged sexual harassment.

D. Allegations of sexual harassment or retaliation against any person alleging an act of sexual harassment, shall be investigated promptly, impartially and thoroughly.

26.03 REPORTING PROCEDURES

A. Any person who believes they have been sexually harassed shall contact their immediate supervisor or the Affirmative Action office.

B. When a complaint of sexual harassment is made directly to a supervisor, the supervisor shall contact the Affirmative Action Office before taking any action, unless the matter requires immediate attention.

C. When the allegation of sexual harassment is made against a person's immediate supervisor, or anyone else in that person's chain of command, the complainant shall contact the immediate supervisor of the alleged sexual harasser or the Affirmative Action Office.

D. If a full investigation of the complaint is requested or required, the complainant shall complete a Use of Force or Complaint Reception and Processing Worksheet, Form SP 1-101, which shall be forwarded directly under confidential cover, to the Bureau of Professional Responsibility. However, in those incidents where a complainant informs their Commander, Director, or Supervisor of an act of reprisal for a previous complaint of sexual harassment, or when the Commander, Director, or Supervisor is made aware of such an act through observation, the Commander, Director, or Supervisor shall complete the Use of Force or Complaint Reception and Processing Worksheet and forward it to the Bureau of Professional Responsibility. The Commander, Director, or Supervisor shall inform the complainant of such action.

E. The Commander, Director, or Supervisor who receives the complaint shall advise the complainant to contact the Affirmative Action Office for information regarding their

right to file a complaint with the State Civil Service Commission, Equal Employment Opportunity Commission, or the Pennsylvania Human Relations Commission.

F. If, after consultation between a representative of the Affirmative Action Office, the complainant and the receiving Commander, Director, or Supervisor, the complaint of sexual harassment is determined appropriate to handle informally, then the receiving Commander, Director, or Supervisor shall document all of their actions on Form STD-501, or the computer-generated Form PSP-501X, and forward same, through channels, to the Affirmative Action Office. For informally-handled complaints, disclosure of the contents of the correspondence shall be limited to the chain-of-command through which the correspondence is forwarded to the Affirmative Action Office.

G. Any subsequent complaints of sexual harassment against an individual, including those involving a different person, shall not be handled informally, and require that a full investigation be conducted.

26.04 COMPLAINT PROCESSING PROCEDURES

A. Informal: A complaint of sexual harassment may only be handled informally in instances when the Affirmative Action Officer approves an informal handling, based on the available facts and circumstances surrounding the complaint.

1. The counseling/informing of an alleged harasser by a Commander, Director, or Supervisor within that individual's chain of command, to cease immediately any actions that have been perceived by the complainant as sexual harassment.

2. Additionally, should the alleged harasser not be a

member or employee of the Department, e.g., vending machine company employe, employe of contracted service company or a member of the general public having contact with the complainant in the workplace, notification, both orally and in writing, shall be provided to the alleged harasser and their employer. The notification shall be prepared by the Commander, Director, or Supervisor and shall state the nature of the complaint and indicate that said behavior will not continue to be tolerated.

B. Formal: The formal handling of sexual harassment complaints shall be consistent with the provisions established by this regulation and AR 4-25. Complaints of sexual harassment shall be handled formally if:

1. The sexual harassment is in retaliation against the complainant for filing a sexual harassment complaint.

2. The act of sexual harassment involved inappropriate physical contact, or was an outrageous act that if founded would warrant disciplinary action, e.g., assault, attempted rape, etc.

3. The nature of the allegation and the available facts surrounding the complaint leads to a determination by the Affirmative Action Officer that the complaint be handled formally.

26.05 RESPONSIBILITIES

A. General:

1. Personnel shall refrain from conduct, implied or direct, which constitutes sexual harassment.

2. Personnel encountering acts of sexual harassment are encouraged to advise the alleged harasser that their actions are unwelcome and offensive; however, failure to

do so shall not prevent personnel from filing a complaint of sexual harassment.

B. Commanders, Directors and Supervisors shall:

1. Monitor the work environment to ensure that it is free of sexual harassment.

2. Ensure incidents of sexual harassment are processed in accordance with this regulation.

3. Take immediate action to avoid any adverse impact or reprisals against any person who reports an act of sexual harassment. Should an act of reprisal occur and be brought to the attention of the Commander, Director, or Supervisor, the Commander, Director, or Supervisor shall ensure that a Use of Force or Complaint Reception and Processing Worksheet is completed in accordance with AR 4-25.

4. Ensure that confidentiality of reports of sexual harassment is maintained in accordance with this regulation.

5. Contact the Affirmative Action Office for guidance in all sexual harassment matters.

6. Seek guidance from the Affirmative Action Officer prior to attempting an informal resolution of a complaint of sexual harassment.

C. The Affirmative Action Officer shall:

1. Ensure all allegations of sexual harassment are processed in accordance with this regulation.

2.. Forward all Use of Force or Complaint Reception and Processing Worksheets received regarding an allegation of sexual harassment to the Bureau of

Professional Responsibility for investigation.

3. Determine when a supervisor may handle a sexual harassment complaint informally. No supervisor shall handle any sexual harassment complaint informally without concurrence of the Affirmative Action Officer.

4. Provide the complainant with information regarding the right to file their complaint with the Equal Employment Opportunity Commission within 300 days of occurrence, Pennsylvania Human Relations Commission within 180 days of occurrence and the State Civil Service Commission within 20 days of occurrence.

5. Re-contact the complainant to provide follow-up information regarding the outcome of the investigation and disposition of the complaint. Information regarding further processing steps, e.g., issuance of a DAR to the harasser, grievance filed by the harasser, etc., will be provided if applicable.

D. The Director, Bureau of Professional Responsibility shall;

1. Ensure that any Use of Force or Complaint Reception and Processing worksheet, alleging sexual harassment, is promptly investigated.

2. Notify the Affirmative Action Officer of the Bureau of Professional Responsibility Control Number, the identities of the complainant, and the subject of the investigation.

26.06 RETENTION

Investigative reports shall be retained in accordance with AR 4-25. Correspondence regarding informally-handled complaints shall be retained by the Affirmative Action Office for the same time period, after which, the file shall be destroyed.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS :
Plaintiff :
: **No. 1:CV-00-1655**
v. :
: **(Judge Rambo)**
ERIC D. EASTON, et al., :
Defendants :

DECLARATION OF JODY LANCASTER

I, Jody Lancaster, do hereby state under penalty of perjury that the following is true and correct based upon my personal knowledge:

1. I have been employed by the Pennsylvania State Police (PSP) since February 25, 1995.

* * * * *

8. On occasion when there was bad weather, I would have to stay at work so I kept a change of clothes, including clean underwear, in my drawers in the dresser.

* * * * *

[Signature omitted in printing]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS :
Plaintiff :
: **No. 1:CV-00-1655**
v. :
: **(Judge Rambo)**
ERIC D. EASTON, et al., :
Defendants :

DECLARATION OF STACY GELVIN

I, Stacy Gelvin, do hereby state under penalty of perjury that the following is true and correct based upon my personal knowledge:

1. I am a police communications officer (PCO) at the McConnellsburg barracks in McConnellsburg, Pennsylvania

* * * * *

7. On my first day of work, Jody Lancaster gave me and Suders a tour of the barracks. When she showed us the women's locker room, she pointed out two dressers, and told us that one dresser had four drawers which were assigned to Lancaster for her personal use, and she assigned Suders and me two drawers each in the other dresser for our personal use.

* * * * *

[Signature omitted in printing]